

You are hereby notified to file a written response to the enclosed Complaint within twenty (20) days from the date of service hereof or a judgment may be entered against you.

**THIS IS NOT AN  
ARBITRATION CASE. AN  
ASSESSMENT OF DAMAGES  
IS REQUIRED.**

By: Richard J. Hollawell, Esquire  
Attorney I.D. No. 88094  
Richard J. Hollawell & Associates  
121 Saratoga Lane  
Woolwich Twp., NJ 08085

HARRY L. TAYLOR, III, As Administrator of  
the Estate of DONNA M. McGINNIS,  
DECEASED and HARRY L. TAYLOR, III  
INDIVIDUALLY  
82 Liberty Drive  
Langhorne, PA 19047

V.

and

and

and

and

: COURT OF COMMON PLEAS  
: PHILADELPHIA, PA  
: JUNE TERM, 2017  
: NO.  
: MAJOR JURY TRIAL DEMANDED

8019 Frankford Avenue  
Philadelphia, PA 19136  
and  
ROCCO COSTABILE, M.D.  
Holmesburg Family Medicine Associates, P.C.  
8019 Frankford Avenue  
Philadelphia, PA 19136  
and  
PAUL CARTER, PA-C  
Holmesburg Family Medicine Associates, P.C.  
8019 Frankford Avenue  
Philadelphia, PA 19136  
and  
HOLMESBURG FAMILY MEDICINE  
ASSOCIATES, P.C.  
8019 Frankford Avenue  
Philadelphia, PA 19136

Defendants.

#### NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without any further notice for any money claimed in the complaint or for any other claim or relief requested by plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION  
Lawyer Referral and Information Service  
1101 Market Street, 11th Floor  
Philadelphia, Pennsylvania 19107  
(215) 238-6300

#### AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plaza al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELPHIA  
Servicio De Referencia E Informacion Legal  
1101 Market Street, 11th Floor  
Filadelfia, Pennsylvania 19107  
(215) 238-6300

**RICHARD J. HOLLAWELL & ASSOCIATES**

By: Richard J. Hollawell, Esquire  
Attorney I.D. No. 88094

Richard J. Hollawell & Associates  
121 Saratoga Lane  
Woolwich Twp., NJ 08085

Attorneys for Plaintiff

HARRY L. TAYLOR, III, As Administrator of  
the Estate of DONNA M. McGINNIS,  
DECEASED and HARRY L. TAYLOR, III  
INDIVIDUALLY  
82 Liberty Drive  
Langhorne, PA 19047

Plaintiff,

v.

CHARLES M. BOLNO, D.O.,  
404B Huntingdon Pike  
Rockledge, PA 19046-4448

and

DR. CHARLES M. BOLNO, P.C.  
6190 Rising Sun Avenue  
Philadelphia, PA 19111

and

JOSEPH V. PONGONIS, D.O.  
Holmesburg Family Medicine Associates, P.C.  
8019 Frankford Avenue  
Philadelphia, PA 19136

and

RICHARD BERGER, D.O.  
Holmesburg Family Medicine Associates, P.C.  
8019 Frankford Avenue  
Philadelphia, PA 19136

and

JOSEPH E. CZARNECKI, D.O.  
Holmesburg Family Medicine Associates, P.C.  
8019 Frankford Avenue  
Philadelphia, PA 19136

and

ROCCO COSTABILE, M.D.  
Holmesburg Family Medicine Associates, P.C.  
8019 Frankford Avenue  
Philadelphia, PA 19136

and

PAUL CARTER, PA-C  
Holmesburg Family Medicine Associates, P.C.

: COURT OF COMMON PLEAS  
: PHILADELPHIA, PA  
: TERM, 2017  
: NO.  
: MAJOR JURY TRIAL DEMANDED

8019 Frankford Avenue	:
Philadelphia, PA 19136	:
and	:
HOLMESBURG FAMILY MEDICINE	:
ASSOCIATES, P.C.	:
8019 Frankford Avenue	:
Philadelphia, PA 19136	:
Defendants.	:

**CIVIL ACTION - COMPLAINT**  
**[MEDICAL MALPRACTICE – 2M]**

1. Plaintiff, Harry L. Taylor, III, is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 82 Liberty Drive, Langhorne, Pennsylvania 19046.

2. Plaintiff, Harry L. Taylor, III, is the Administrator for the Estate of Donna Marie McGinnis, Deceased. *A true and correct copy of the Letters of Administration are attached as Exhibit "A."*

3. Donna Marie McGinnis, was born on July 19, 1957 and passed away on December 25, 2015.

4. Defendant, Charles M. Bolno, D.O., ("Dr. Bolno") is a physician, who at all relevant times was duly licensed in Pennsylvania and practicing medicine as an osteopathic physician and in internal and/or family medicine, utilizing opioid/opiate therapy as well as dangerous stimulants and/or diet pills and other prescription medications scheduled under the Controlled Substances Act, with professional medical offices and a business address located at 404B Huntingdon Pike, Rockledge, Pennsylvania 19046.

5. Defendant, Dr. Charles Bolno, P.C., located at 6190 Rising Sun Avenue, Philadelphia, PA 19111, is a Pennsylvania corporate/business entity that at all times relevant

hereto was providing health care services for profit in the Commonwealth of Pennsylvania, which regularly engages in the practice of medicine and through its agents, principals, servants and employees, is obliged to bring to bear the professional skill, knowledge and care required to practice pursuant to safe and accepted standards of medicine. Upon information and belief, Dr. Charles M. Bolno was/is the majority shareholder and principal of Dr. Charles Bolno, P.C., and was acting as its agent and/or directly for himself while providing healthcare services to Decedent before her death.

6. Defendant, Joseph V. Pongonis, D.O., (“Dr. Pongonis”) is a physician, who at all relevant times was duly licensed in Pennsylvania and practicing medicine as an osteopathic physician family medicine, utilizing dangerous stimulants and/or diet pills, with professional medical offices and a business address located at Holmesburg Family Medicine Associates, P.C., 8019 Frankford Avenue, Philadelphia, Pennsylvania 19136.

7. Defendant, Richard Berger, D.O., (“Dr. Berger”) is a physician, who at all relevant times was duly licensed in Pennsylvania and practicing medicine as an osteopathic physician in family medicine, utilizing dangerous stimulants and/or diet pills, with professional medical offices and a business address located at Holmesburg Family Medicine Associates, P.C., 8019 Frankford Avenue, Philadelphia, Pennsylvania 19136.

8. Defendant, Joseph E. Czarnecki, D.O., (“Dr. Czarnecki”) is a physician, who at all relevant times was duly licensed in Pennsylvania and practicing medicine as an osteopathic physician in family medicine, utilizing dangerous stimulants and/or diet pills, with professional medical offices and a business address located at Holmesburg Family Medicine Associates, P.C., 8019 Frankford Avenue, Philadelphia, Pennsylvania 19136.

9. Defendant, Rocco Costabile, M.D., (“Dr. Costabile”) is a physician, who at all

relevant times was duly licensed in Pennsylvania and practicing medicine as an osteopathic physician in family medicine, utilizing dangerous stimulants and/or diet pills, with professional medical offices and a business address located at Holmesburg Family Medicine Associates, P.C., 8019 Frankford Avenue, Philadelphia, Pennsylvania 19136.

10. Defendant, Paul Carter, PA-C, (“Mr. Carter”) is a certified physician’s assistant, who at all relevant times was duly licensed in Pennsylvania and practicing medicine as a physician’s assistant in family medicine, utilizing dangerous diet pills, with professional medical offices and a business address located at Holmesburg Family Medicine Associates, P.C., 8019 Frankford Avenue, Philadelphia, Pennsylvania 19136.

11. Defendant, Holmesburg Family Medicine Associates, P.C., is located at 8019 Frankford Avenue, Philadelphia, Pennsylvania 19136, is a Pennsylvania corporate/business entity that at all times relevant hereto was providing health care services for profit in the Commonwealth of Pennsylvania, which regularly engages in the practice of medicine and through its agents, principals, servants and employees, is obliged to bring to bear the professional skill, knowledge and care required to practice pursuant to safe and accepted standards of medicine.

12. It is believed and averred that Dr. Pongonis is a majority shareholder in and principal of Holmesburg Family Medicine Associates, P.C., and was acting as its agent and/or directly for himself and the corporation while providing health care services to Decedent before her death.

13. At all relevant times hereto, Dr. Pongonis was engaged in the practice of medicine as an osteopathic physician and more specifically the practice of family medicine with prescribing dangerous stimulants and/or diet pills, and was obliged to bring to bear in the

practice of his profession through the prescribing of highly dangerous, addictive and lethal stimulants and/or diet pills, the professional skill, knowledge and care in accordance with reasonably safe and accepted standards of care within the medical community.

14. It is believed and averred that Dr. Berger is a majority shareholder in and principal of Holmesburg Family Medicine Associates, P.C., and was acting as its agent and/or directly for himself and the corporation while providing health care services to Decedent.

15. At all relevant times hereto, Dr. Berger was engaged in the practice of medicine as an osteopathic physician and more specifically the practice of family medicine with prescribing dangerous stimulants and/or diet pills, and was obliged to bring to bear in the practice of his profession through the prescribing of highly dangerous, addictive and lethal stimulants and/or diet pills, the professional skill, knowledge and care in accordance with reasonably safe and accepted standards of care within the medical community.

16. It is believed and averred that Dr. Czarnecki was acting as an agent, and/or servant and/or workperson for Holmesburg Family Medicine Associates, P.C., or directly for himself and the corporation while providing health care services to Decedent.

17. At all relevant times hereto, Dr. Czarnecki was engaged in the practice of medicine as an osteopathic physician and more specifically the practice of family medicine and/or a weight loss specialist with prescribing dangerous stimulants and/or diet pills, and was obliged to bring to bear in the practice of his profession, family medicine and/or weight loss specialist, through the prescribing of highly dangerous, addictive and lethal stimulants and/or diet pills, the professional skill, knowledge and care in accordance with reasonably safe and accepted standards of care within the medical community.

18. It is believed and averred that Dr. Costabile was acting as an agent, and/or servant and/or workperson for Holmesburg Family Medicine Associates, P.C., and/or directly for

himself and the corporation while providing health care services to Decedent.

19. At all relevant times hereto, Dr. Costabile was engaged in the practice of medicine as a medical physician and more specifically the practice of family medicine and/or a weight loss specialist with prescribing dangerous stimulants and/or diet pills, and was obliged to bring to bear in the practice of his profession, family medicine and/or weight loss specialist, through the prescribing of highly dangerous, addictive and lethal stimulants and/or diet pills, the professional skill, knowledge and care in accordance with reasonably safe and accepted standards of care within the medical community.

20. It is believed and averred that Paul Carter, PA-C, was acting as an agent, and/or servant and/or workperson for Holmesburg Family Medicine Associates, P.C., and/or directly for himself and the corporation while providing health care services to Decedent.

21. At all relevant times hereto, Paul Carter, PA-C, was engaged in the practice of medicine as a certified medical physician's assistant, and more specifically in the practice of family medicine and/or a weight loss specialist with prescribing dangerous stimulants and/or diet pills, and was obliged to bring to bear in the practice of his profession, family medicine and/or weight loss specialist, through the prescribing of highly dangerous, addictive and lethal stimulants and/or diet pills, the professional skill, knowledge and care in accordance with reasonably safe and accepted standards of care within the medical community.

22. At all relevant times, Donna Marie McGinnis, Deceased, was under the medical care, treatment and attendance of the aforementioned Defendants directly and/or through their agents, and/or servants, and/or employees (including ostensible agents) and under their direct control or right of control.

23. At all relevant times hereto, Defendants undertook to provide health care and



professional services to Donna Marie McGinnis, now deceased, and doctor/patient relationships were established between Decedent and Defendants.

24. Plaintiffs are making professional liability claims against Defendants, Charles M. Bolno, D.O., Dr. Charles Bolno, P.C., Joseph V. Pongonis, D.O., Richard Berger, D.O., Joseph E. Czarnecki, D.O. and Rocco Costabile, M.D., and Paul Carter, PA-C., and Holmesburg Family Medicine Associates, P.C. *A copy of the Certificates of Merit are attached hereto as Exhibit "B".*

25. Prior to her death on December 25, 2015, Decedent, Donna Marie McGinnis, was an established patient of the aforementioned named Defendants.

26. Donna Marie McGinnis, Deceased, first became a patient of Dr. Charles M. Bolno and Dr. Charles Bolno, P.C., on or about April 1, 2006, with treatment lasting through December 22, 2015, three days prior to Donna Marie McGinnis' death on December 25, 2015. In fact, Dr. Bolno signed the first Death Certificate in this matter, on or about December 28, 2015.

27. Donna Marie McGinnis, Deceased, first became a patient of Drs. Pongonis, Berger, Czarnecki, Costabile, certified medical physician assistant, Paul Carter, PA-C and/or Holmesburg Family Medicine Associates, P.C., on or about August 13, 2002, with the last date of treatment occurring and/or documented on November 27, 2015, 28 days prior to Donna Marie McGinnis' death on December 25, 2015.

28. Prior to initiating treatment with the aforementioned medical providers, Donna Marie McGinnis, Deceased, had a medical history significant for heart disease and pain from spinal disc degeneration, osteoarthritis, panic disorder and major depression.

29. Dr. Bolno was treating Decedent's neck, back and knee pain with Hydrocodone, Oxycodone, Tramadol and various NSAIDs from April 1, 2006 until the time of her death on December 25, 2015.

30. Defendant, Dr. Bolno was also prescribing Decedent Phentermine, a stimulant similar to amphetamine, despite Decedent's known underlying heart disease from approximately December 6, 2010 until the time of her death on December 25, 2015.

31. Defendants, Joseph V. Pongonis, D.O., Richard Berger, D.O., Joseph Czarnecki, D.O., Rocco Costabile, M.D., and Paul Carter, PA-C., of Holmesburg Family Medicine Associates, P.C., had been prescribing and/or directly providing Decedent, in office through their "diet center," Phentermine, a stimulant similar to amphetamine, from August 13, 2002 through November 27, 2015.

32. Although Decedent began treating with Defendant, Dr. Bolno as early as April 1, 2006, Dr. Bolno's medical records concerning Decedent date back to April 25, 2011, as Defendant alleges to have lost the records prior to April 25, 2011 in a flood. However, prescription records from various pharmacies show that Decedent was under the care of Defendant, Dr. Bolno from April 1, 2006. Decedent saw Defendant, Dr. Bolno, on average once a month, but those visits did not involve any actual treatment, diagnostic testing, specialist referrals; rather, at each visit Dr. Bolno only prescribed dangerous and addictive combinations of Schedule II and Schedule IV narcotics as well as stimulants that were extremely dangerous and contraindicated given Decedent's underlying psychiatric conditions and heart disease.

33. The frequency, amount and potency of the multitude of Schedule II and Schedule IV narcotic medications and stimulants prescribed by Dr. Bolno to the deceased was known and/or should have been known to be highly addictive, dangerous and lethal.

34. Mrs. McGinnis began seeing Defendants, Drs. Pongonis, Berger, Czarnecki, Costabile and Paul Carter, PA-C of Holmesburg Family medical Associates, P.C. on August 13, 2002, at monthly intervals but the treatment did not involve any actual treatment, diagnostic testing, specialist referrals but rather, at each visit the Defendants from their “diet center,” repeatedly issued dangerous and addictive amounts of Phentermine and Phendimetrazine also called “Yellow T’s,” Schedule III and IV controlled substance and stimulants similar to amphetamine, that were known to be highly addictive and dangerous, especially so with Decedent’s underlying heart disease. Defendants continuously issued the Phentermine and Phendimetrazine to Decedent despite the known history of her heart disease, including hypertension, when it was known and/or should have been known to be highly addictive, dangerous and lethal.

35. Decedent did not receive any medical treatment at Defendant, Holmesburg Family Medicine Associates, P.C.’s office; rather, Defendants would take Decedent’s blood pressure, record her weight and then sell her the aforementioned stimulant diet pills. The number of these stimulant diet pills provided to Decedent by the Defendant healthcare providers of Holmesburg Family Medicine from 2002 - 2015, totaled 15,270.

36. Despite no real change in Decedent’s weight control and despite her well known underlying heart disease, including hypertension, Defendants from Holmesburg Family Medicine Associates, P.C., continued to provide the Phentermine and Phendimetrazine stimulants to Decedent through November 27, 2015, less than thirty (30) days before her death.

37. Harry L. Taylor, III, the son of Decedent, informed Defendant, Dr. Bolno prior to Decedent’s death that Decedent was confused about her prescription medications and he feared she was overdosing on the medications, including Phentermine. However, Defendant, Dr. Bolno simply ignored this information and continued to prescribe multiple medications to Decedent.

38. Likewise, Decedent was seen on occasion by other doctors for complaints of pain in her neck, back, shoulders, bilateral hips and knees. One such physician was Jeffrey Truitt, M.D., of Aria Health Pain Management between December 22, 2011 and August 29, 2012. During his treatment of Decedent, Dr. Jeffrey Truitt called Defendant, Dr. Bolno and advised he would no longer prescribe opiate pain medications to Decedent due to the adverse affects he concluded they were having on her. Despite being told of adverse effects these drugs were having on Decedent, Dr. Bolno ignored this information and continued to prescribe large quantities of opiate medications to Decedent.

39. In the year before her death, Decedent was hospitalized due to her dependence/addiction to the drugs that Dr. Bolno was prescribing and had to be medically detoxified due to the adverse effects she was experiencing and Dr. Bolno was notified of said hospitalizations; however, Dr. Bolno ignored these dire warnings and only continued to prescribe the aforementioned medications through Decedent's death.

40. During Dr. Bolno's care of Donna that spanned nearly 8 years of care, in addition to the cardiac medications referenced earlier, he prescribed the following narcotic medications and stimulants and/or diet pills for Donna:

<b><u>Drug</u></b>	<b><u>Timeframe/Amount</u></b>
Hydrocodone	2006 - 2015 = 5,300
Oxycodone	2014 - 2015 = 600
Phentermine	2010 - 2015 = 1,980

41. As early as 2012, Dr. Bolno's records indicated that Decedent quite possibly suffered with major depression and even schizophrenia, however, he did not refer her for psychiatric care until March of 2015. Starting in March of 2015, (after 4 years of multiple in-patient hospitalizations for psychiatric conditions due to drug overdosing), Dr. Bolno's records

reflect psychiatric consult, however, none of Dr. Bolno's records reflect that Decedent ever actually had the consults and/or treatment.

42. The initial death certificate issued in this matter, signed and certified by Dr. Charles Bolno, indicated that Decedent's immediate cause of death was due to acute cerebral bleed as a result of acute head trauma which was not the true cause of death.

43. Harry L. Taylor, III, Administrator of the Estate of Donna McGinnis, Deceased, is the son of Decedent, was suspicious that his mother's death was related to the various medications that Decedent was ingesting and demanded an autopsy.

44. The autopsy ultimately revealed that Decedent's death was caused by hypertensive cardiovascular disease, and the findings noted on the autopsy report included a toxicology report, which revealed that Alprazolam, Tramadol, Phentermine, Metoprolol, Gabapentin and Citalopram were all present in Decedent's blood at the time of her death. The cause of death had nothing to do with an acute cerebral bleed and the Philadelphia Medical Examiner issued a true and correct death certificate.

45. As a result of the negligence of the Defendants as aforesaid, Decedent passed away on December 25, 2015, due to hypertensive cardiovascular disease and also, the toxicology screen revealed multiple Schedule II, Schedule III and IV medications and stimulants were present in Decedent's blood at the time of her death.

46. The grievous injuries and death of Donna Marie McGinnis, were caused solely and exclusively by the negligence of Defendants, jointly, severally and/or individually, and/or by their agents, and/or servants, and/or employees, and were due in no manner whatsoever to any act or failure to act on the part of Decedent.

**FIRST CAUSE OF ACTION  
WRONGFUL DEATH**

**Harry L. Taylor, III, Administrator for the Estate of Donna Marie McGinnis, Deceased v.  
Charles M. Bolno, D.O., Dr. Charles M. Bolno, P.C., Joseph V. Pongonis, D.O., Richard  
Berger, D.O., Joseph E. Czarnecki, D.O., Rocco Costabile, M.D., Paul Carter, PA-C., and  
Holmesburg Family Medicine Associates, P.C.**

47. The previous paragraphs are incorporated herein as though fully set forth herein at length.

48. Plaintiff, Harry L. Taylor, III, Administrator for the Estate of Donna Marie McGinnis, brings this action on behalf of the beneficiaries under and by virtue of the Wrongful Death Act, 42 Pa. C.S.A. §8301, and the applicable Rules of Civil Procedure and decisional law.

49. As a result of the careless and negligent acts and omissions of Defendants, Donna Marie McGinnis was caused to suffer grave injuries and death resulting in the entitlement to damages to the Estate of Donna Marie McGinnis.

50. Plaintiff, Harry L. Taylor, III, Administrator of the Estate of Donna Marie McGinnis, Deceased, claims all administrator's expenses recoverable under the Wrongful Death Act, including, but not limited to damages for hospital, medical, funeral and burial expenses and all expenses of administration made necessary because of Donna Marie McGinnis' death.

51. The Wrongful Death Act beneficiaries are:

Harry Taylor - Son

Jerry McGinnis - Spouse

52. On behalf of the Wrongful Death Act beneficiaries, the Administrator claims damages for monetary support that decedent would have provided to the beneficiaries during their lifetime, including, but not limited to the support provided or which could have been expected to have been provided to the beneficiaries.

53. On behalf of the Wrongful Death Act beneficiaries, the Administrator claims damages for loss of companionship, comfort, society, guidance, solace, and protection by the Decedent.

54. On behalf of the Wrongful Death Act beneficiaries, the Administrator claims damages for the full damages allowed under the Wrongful Death Act of Pennsylvania and decisional law interpreting the Act.

**WHEREFORE**, Plaintiffs demands damages against the Defendants, jointly and severally, in an amount in excess of \$50,000.00 and in excess of the prevailing Arbitration limits under the Wrongful Death Act, exclusive of pre-judgment interest, post-judgment interest and costs.

**SECOND CAUSE OF ACTION  
SURVIVAL ACTION**

**Harry L. Taylor, III, Administrator for the Estate of Donna Marie McGinnis, Deceased v.  
Charles M. Bolno, D.O., Dr. Charles M. Bolno, P.C., Joseph V. Pongonis, D.O., Richard  
Berger, D.O., Joseph E. Czarnecki, D.O., Rocco Costabile, M.D., Paul Carter, PA-C., and  
Holmesburg Family Medicine Associates, P.C.**

55. The previous paragraphs are incorporated herein as though fully set forth herein at length.

56. Plaintiff, Harry L. Taylor, III, Administrator of the Estate of Donna Marie McGinnis, Deceased, brings this Survival Action on behalf of the Estate of Donna Marie McGinnis, Deceased, under and by virtue of 42 Pa. C.S.A. §8302, and the applicable Rules of Civil Procedure and decisional law.

57. As a result of the acts and omissions of Defendants, and the negligence and carelessness of Defendants, Plaintiff's decedent was caused grave injuries, suffering and death resulting in the entitlement to damages by said beneficiaries under the Survival Act.

58. On behalf of the Survival Act beneficiaries, the Administrator claims the amount of lost earnings of decedent between the time of injury and death.

59. On behalf of the Survival Act beneficiaries, the Administrator claims loss of earnings

and economic loss to decedent's estate, including, but not limited to, decedent's total estimated future earning power less his cost of personal maintenance as a result of decedent's death.

60. On behalf of the Survival Act beneficiaries, the Administrator claims all loss of income, retirement, and Social Security income as a result of decedent's death.

61. On behalf of the Survival Act beneficiaries, the Administrator claims damages for the pain, suffering, and inconvenience endured by decedent prior to death, including, but not limited to, physical pain and suffering, mental pain and suffering and the fright and mental suffering attributed to the peril leading to decedent's death.

62. Plaintiff claims the full measure of damages under the Survival Act and decisional law interpreting said Act.

**WHEREFORE**, Plaintiffs demand damages against Defendants, in an amount in excess of \$50,000.00 under the Wrongful Death Act, exclusive of pre-judgment interest, post-judgment interest and costs.

**COUNT ONE: NEGLIGENCE**

**Harry L. Taylor, III, Administrator for the Estate of Donna Marie McGinnis, Deceased v.  
Charles M. Bolno, D.O. and Dr. Charles M. Bolno, P.C.**

63. The previous paragraphs are incorporated herein as though fully set forth herein at length.

64. From April 1, 2006 through December 22, 2015, the narcotic drugs and stimulants and/or diet pills prescribed by Dr. Charles Bolno to the Decedent was:

<b><u>Drug</u></b>	<b><u>Timeframe/Amount</u></b>
Hydrocodone	2006 - 2015 = 5,300
Oxycodone	2014 - 2015 = 600
Phentermine	2010 - 2015 = 1,980

65. Standing alone, Defendants' prescriptions of said narcotics and stimulants constituted



extreme carelessness and negligence regarding Decedent's safety, health and general welfare which ultimately led to Decedent's death.

66. As a licensed medical professional, Defendants knew or should have known that they exposed Donna Marie McGinnis to a high probability of addiction/dependence to said narcotics and stimulants and/or diet pills that would lead to serious health problems and/or death.

67. Defendants knew or should have known that Decedent became ill with addiction due to the extreme amounts of narcotics he was prescribing; yet he ignored all signs of the terrible illness and warnings from family members and other healthcare providers he inflicted upon Decedent, and only escalated his prescribing until Decedent died on December 25, 2015.

68. Between 2011 and the time of her death on December 25, 2015, Donna had several in-patient psychiatric hospitalizations which were noted to be due to overdosing of prescription medications, one in particular was due to overdosing on Phentermine (June 2, 2013 - June 7, 2013). These hospitalizations noted that Donna had auditory hallucinations where she heard her friends and family having conversations in her head telling her to do things, she was confused, had a bizarre affect, and during one admission Donna reported auditory hallucinations about Satan and the sinners.

69. Just seven weeks prior to her death, Decedent was hospitalized for two days due to a prescription drug overdose again that caused severe adverse effects. Once again, Defendants, Dr. Charles Bolno and/or Dr. Charles M. Bolno, P.C., either individually and/or through their respective agents, servants, employees, and/or ostensible agents acting through and within the course and scope of their employment, just continued to over prescribe narcotics and stimulants and/or diet pills to Decedent until the time of her death on December 25, 2015 despite being aware of Decedent's hospitalization.

70. Defendants refused and failed to formulate any treatment plans other than prescribing

dangerous, addictive and lethal narcotics, stimulants and/or diet pills, or otherwise monitor Decedent's bodily functions which they knew and/or should have known was required to ensure that Decedent would not suffer serious health problems and/or death.

71. The injuries/death sustained by Decedent, as aforesaid, were directly and proximately caused by the negligent and careless conduct of Defendants, Charles M. Bolno, D.O. and/or Dr. Charles M. Bolno, P.C., either individually or through their respective agents, servants, employees, and/or ostensible agents acting through and within the course and scope of their employment, consisting of, but not limited to one or more of the following:

- (a) failure to take a proper medical history of Donna Marie McGinnis;
- (b) failure to obtain and review prior and concurrent physician records for decedent to gain any understanding of their opinions and recommended treatments;
- (c) failure to order any diagnostic testing to confirm the nature of any conditions decedent might have had, before prescribing any medication;
- (d) failure to take into account prior medical conditions of Donna Marie McGinnis before prescribing narcotic, stimulants and/or diet pill medications;
- (e) failure to order appropriate blood work and diagnostic tests for Donna Marie McGinnis;
- (f) failure to have a proper differential diagnosis;
- (g) failure to establish and administer a safe and medically accepted treatment plan beyond that of only prescribing multiple and large amounts of narcotics, stimulants and other drugs;
- (h) prescribing extreme amounts of narcotic medications , controlled substances and stimulants that would clearly cause addiction and serious side effects and/or death;
- (i) failure to provide necessary medical information to patient regarding drug side effects and severe potential for addiction;
- (j) failure to provide necessary medical information to health care providers and others;
- (k) issuing prescriptions for numerous controlled substances, including stimulants,

without any legitimate medical purpose and without proper screening and monitoring;

- (l) failure to communicate in a timely and proper manner regarding Donna Marie McGinnis' condition with her;
- (m) failure to properly monitor Decedent's condition and use of the prescribed medications;
- (n) inflicting the illness of addiction upon Decedent;
- (o) failure to recognize signs and symptoms of substance abuse from the very drugs being prescribed by Defendant;
- (p) failure to recognize signs and symptoms of drug addiction from the very drugs being prescribed by Defendant;
- (q) failure to recognize signs and symptoms of drug intoxication;
- ® failure to recognize acute and severe changes in Donna Marie McGinnis' overall health condition;
- (s) failure to make proper medical decisions regarding the management and treatment of Donna Marie McGinnis;
- (t) prescribing medications that were contraindicated for the medical conditions being treated;
- (u) failure to develop alternative treatment regimens to reduce the usage of narcotic, stimulant and/or diet pill medications;
- (v) failure to keep adequate records that should have included completing a thorough history, documentation of physical condition and changes, and documentation of progress from Defendant's treatment of Decedent;
- (w) practicing treatment specialties in which there were no qualifications and training to do so;
- (x) attempting to treat a medical condition for which Defendant had no qualification or training to properly treat;
- (y) continually prescribing dangerous and escalating amounts of narcotic medication, stimulants and/or controlled substances without any medical justification or explanation;
- (aa) continually prescribing extreme amounts and dangerous combinations of narcotics,

stimulants and/or controlled substances despite knowing and/or should have knowing of Donna Marie McGinnis' addiction to said drugs;

- (bb) failure of Defendant to warn Decedent of the severe risks of the controlled dangerous substances and stimulants he was prescribing;
- (cc) failure to heed the warning of family members and/or other healthcare providers regarding Decedent's overdosing on narcotic medications and/or controlled substances on multiple occasions, which resulted in the necessity of multiple hospitalizations of Decedent and ultimately led to her death.
- (dd) disregarding underlying health conditions and prescribing said drugs that posed an extreme danger to Decedent due to said medical conditions:

72. Defendant acted carelessly and negligently by prescribing extreme amounts and combinations of dangerous and addictive narcotic medications and/or stimulants and/or diet pills without medical justification, without assessing and monitoring decedent's health adequately and with complete disregard and recognition of the serious and dire side effects, with complete disregard to the rights and safety of decedent, all of which led to her death.

**WHEREFORE**, Plaintiff demands damages against Defendant, in an amount in excess of \$50,000.00 and in excess of the prevailing Arbitration limits under the Wrongful Death And Survival Act, exclusive of pre-judgment interest, post-judgment interest, together with costs, punitive damages, interest, attorneys fees and such other relief as permitted by law and as the Court may deem appropriate under the circumstances.

#### **COUNT TWO: NEGLIGENCE**

**Harry L. Taylor, III, Administrator for the Estate of Donna Marie McGinnis, Deceased v. Joseph V. Pongonis, D.O., Richard Berger, D.O., Joseph E. Czarnecki, D.O., Rocco Costabile, M.D., Paul Carter, PA-C and Holmesburg Family Medicine Associates, P.C.**

73. The previous paragraphs are incorporated herein as though fully set forth herein at length.

74. From August 13, 2002 through November 27, 2015, the stimulants and/or diet pills

prescribed by Joseph V. Pongonis, D.O., Richard Berger, D.O., Joseph E. Czarnecki, D.O., Rocco Costabile, M.D., Paul Carter, PA-C., and Holmesburg Family Medicine Associates, P.C., totaled 15,270.

75. Standing alone, Defendants' prescriptions of said stimulants and/or diet pills constituted extreme negligence and carelessness to Decedent's safety, health and general welfare which ultimately led to Decedent's death.

76. As licensed medical professionals, Defendants knew and/or should have known that they exposed Donna Marie McGinnis to a high probability of addiction/dependence to said stimulants and/or diet pills that would lead to serious health problems and/or death.

77. Defendants knew and/or should have known that Decedent became ill with addiction due to the extreme amounts of stimulants and/or diet pills they were issuing Decedent; yet they ignored all signs of the terrible illness and only escalated prescribing and/or providing large quantities of the stimulants and/or diet pills to Decedent through November 27, 2015, just 28 days prior to Decedent's death on December 25, 2015, and despite contraindications of the stimulants and/or diet pills and Decedent's known cardiac history, including hypertension.

78. Defendants refused and failed to formulate any treatment plans other than prescribing/issuing dangerous, addictive and lethal stimulants and/or diet pills, or otherwise monitor Decedent's bodily functions which they knew and/or should have known was required to ensure that Decedent would not suffer serious health problems and/or death.

79. The injuries/death sustained by Decedent, as aforesaid, were directly and proximately caused by the negligent and careless conduct of Defendants, either individually and/or through their respective agents, servants, employees, and/or ostensible agents acting through and within the course and scope of their employment, consisting of, but not limited to one or more of the following:

- (a) failure to take a proper medical history of Donna Marie McGinnis;
- (b) failure to obtain and review prior and concurrent physician records for decedent to gain any understanding of their opinions and recommended treatments;
- (c) failure to order any diagnostic testing to confirm the nature of any conditions decedent might have had, before prescribing any medication;
- (d) failure to take into account prior medical conditions of Donna Marie McGinnis before prescribing stimulants and/or diet pill medications;
- (e) failure to order appropriate blood work and diagnostic tests for Donna Marie McGinnis;
- (f) failure to establish and administer a safe and medically accepted treatment plan beyond that of only prescribing multiple and large amounts of controlled substances and/or stimulants and/or diet pills;
- (g) prescribing extreme amounts of controlled substances and/or stimulants and/or diet pills that would clearly cause addiction and serious side effects and/or death;
- (h) failure to provide necessary medical information to patient regarding drug side effects and severe potential for addiction;
- (i) failure to provide necessary medical information to health care providers and others;
- (j) issuing prescriptions and/or providing large amounts of stimulants and/or diet pills without any legitimate medical purpose and in ignorance of Decedent's heart disease;
- (k) failure to properly monitor Donna Marie McGinnis' condition and use of the prescribed and/or provided stimulants and/or diet pills;
- (l) inflicting the illness of addiction upon Donna Marie McGinnis;
- (m) failure to recognize signs and symptoms of substance abuse;
- (n) failure to recognize signs and symptoms of drug addiction;
- (o) failure to recognize acute and severe changes in Donna Marie McGinnis' overall health condition;
- (p) failure to make proper medical decisions regarding the management and treatment of Donna Marie McGinnis;
- (q) prescribing and/or providing medications that were contraindicated for the medical

conditions being treated;

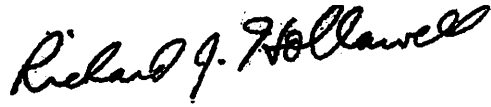
- (r) failure to develop alternative treatment regimens to reduce the usage of stimulants and/or diet pill medications;
- (s) failure to keep adequate records that should have included completing a thorough history, documentation of physical condition and changes, and documentation of progress from Defendants' treatment of Decedent;
- (t) attempting to treat a medical condition for which Defendant had no qualification or training to properly treat and actually posed a severe danger considering Decedent's underlying heart disease;
- (u) continually prescribing dangerous and escalating amounts of stimulants and/or diet pills without any medical justification or explanation;
- (v) continually prescribing/providing extreme amounts and dangerous combinations of stimulants and/or diet pills despite knowing and/or should have knowing of Donna Marie McGinnis' addiction to said drugs;
- (w) failure of Defendants to warn decedent of the severe risks of the dangerous stimulants and/or diet pills they were prescribing;

80. Defendants acted consciously, carelessly and negligently by prescribing/providing extreme amounts and combinations of dangerous and addictive stimulants and/or diet pills without medical justification, without assessing and monitoring Decedent's health adequately and with complete disregard and recognition of the serious and dire side effects, with complete disregard to the rights and safety of Decedent, all of which led to her death.

**WHEREFORE**, Plaintiff, Harry L. Taylor, Administrator of the Estate of Donna M. McGinnis, Deceased, requests judgment in his favor and against all named Defendants, jointly and severally, for compensatory damages in excess of Fifty Thousand (\$50,000) Dollars, together with

interest, attorney's fees and costs of suit and any other damages the Court deems just and are allowable by law.

RICHARD J. HOLLAWELL & ASSOCIATES

A handwritten signature in black ink, reading "Richard J. Hollawell". The signature is written in a cursive, flowing style with a large initial 'R'.

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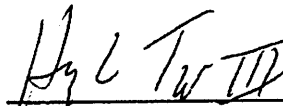
RICHARD J. HOLLAWELL, ESQUIRE  
Attorney for Plaintiff

Dated: 11/17/17



### VERIFICATION

I, Harry L. Taylor, III, As Administrator of the Estate of Donna M. McGinnis, Deceased and Harry L. Taylor, III, Individually, in the foregoing action, hereby verify that the statements made in the foregoing Civil Action Complaint, are true and correct to the best of my knowledge, information and /or belief. I understand that false statements hereunder are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



\_\_\_\_\_  
**Harry L. Taylor, III**  
**As Administrator of the Estate of**  
**Donna M. McGinnis, Deceased and**  
**Harry L. Taylor, III, Individually**

DATE: 11-15-17