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July 13, 2022

County of Northampton
Office of the Prothonotary
669 Washington Street
Easton, PA 18042

RE: Carl Graves v Ajeeb Titus, M.D.

Dear Sir/Madam,

Enclosed please find an original and two copies of Plaintiffs' Complaint in the above captioned matter along with a check in the amount of \$152.25 and a self-addressed stamped envelope.

I would ask that you please file same in the usual manner and return the stamped, filed copies in the self-addressed stamped envelope provided

Thank you for your kind attention to this matter.

A handwritten signature in red ink, appearing to read 'MCD', is written over a horizontal line.

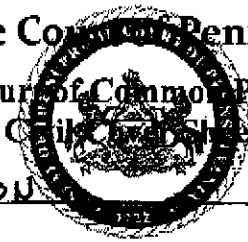
Mark C. Dewland
Attorney at Law
MCD/jd w/encl

Supreme Court of Pennsylvania

Court of Common Pleas

Civil Case

Northampton County



<i>For Prothonotary Use Only:</i>		TIME STAMP
Docket No:		

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:		
<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Writ of Summons	<input type="checkbox"/> Petition
<input type="checkbox"/> Transfer from Another Jurisdiction	<input type="checkbox"/> Declaration of Taking	
Lead Plaintiff's Name: <u>Carl Graves</u>		Lead Defendant's Name: <u>Aseeb John Titus M.D.</u>
Are money damages requested? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Dollar Amount Requested: (check one) <input type="checkbox"/> within arbitration limits <input checked="" type="checkbox"/> outside arbitration limits
Is this a Class Action Suit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is this an MDJ Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of Plaintiff/Appellant's Attorney: <u>Richard J. Hollawell / Mark C. Dewland</u>		
<input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)		

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

Intentional

Malicious Prosecution

Motor Vehicle

Nuisance

Premises Liability

Product Liability (does not include mass tort)

Slander/Libel/ Defamation

Other:

CONTRACT (do not include Judgments)

Buyer Plaintiff

Debt Collection: Credit Card

Debt Collection: Other

Employment Dispute: Discrimination

Employment Dispute: Other

Other:

CIVIL APPEALS

Administrative Agencies

Board of Assessment

Board of Elections

Dept. of Transportation

Statutory Appeal: Other

Zoning Board

Other:

MASS TORT

Asbestos

Tobacco

Toxic Tort - DES

Toxic Tort - Implant

Toxic Waste

Other:

REAL PROPERTY

Ejectment

Eminent Domain/Condemnation

Ground Rent

Landlord/Tenant Dispute

Mortgage Foreclosure: Residential

Mortgage Foreclosure: Commercial

Partition

Quiet Title

Other:

MISCELLANEOUS

Common Law/Statutory Arbitration

Declaratory Judgment

Mandamus

Non-Domestic Relations Restraining Order

Quo Warranto

Replevin

Other:

PROFESSIONAL LIABILITY

Dental

Legal

Medical

Other Professional:

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Attorneys for Plaintiff, Carl Graves

CARL GRAVES & SANDI JO GRAVES, h/w	COURT OF COMMON PLEAS NORTHAMPTON COUNTY
Plaintiff,	
vs.	CIVIL ACTION-LAW
DR. AJEEB JOHN TITUS, M.D. and ROCK WELLNESS CENTER, P.C., individually, jointly, severally and/or in the alternative,	NO.
Defendants	

JURISDICTION AND VENUE

The Court is the proper Court of Jurisdiction and Venue. All actions herein occurred in Pennsylvania and the corporate defendants routinely conduct business in Northampton County, Pennsylvania giving rise to proper venue.

CIVIL ACTION - COMPLAINT
MEDICAL MALPRACTICE

1. Plaintiff, Carl Graves, is an adult individual and citizen of the Commonwealth of Pennsylvania, residing at 909 Valley Street, Easton Pennsylvania 18042.
2. Plaintiff, Sandi Jo Graves, is an adult individual and citizen of the Commonwealth

of Pennsylvania, residing at 909 Valley Street, Easton Pennsylvania 18042.

3. Defendant, Ajeeb John Titus, M.D., (“Dr. Titus”) is a physician, who at all relevant times, was licensed in Pennsylvania and trained in family medicine but was practicing outside his specialty, attempting to practice pain management utilizing opioid therapy, maintaining a medical office and a business address located at 2591 Baglyos Circle, Bethlehem Pennsylvania.

4. Defendant, Rock Wellness Center, P.C., (“Rock Wellness”) located at 2591 Baglyos Circle, Suite C50-51, Bethlehem, PA 18020, was and is a Pennsylvania corporate/business entity that at all times relevant hereto was providing health care services for profit in the State 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.

5. It is believed and averred that Dr. Titus, was at all times relevant hereto, the sole shareholder and owner of Rock Wellness and was acting as its agent or directly for himself and the corporation while providing health care services to Plaintiff, Carl Graves.

6. At all relevant times hereto, Dr. Titus was engaged in the practice of medicine as a medical doctor and more specifically was attempting to practice pain management with opioid therapy, and was obliged to bring to bear in the practice of his profession and pain management through the prescribing of highly dangerous, addictive and lethal opiates and other Schedule II Controlled Substances, the professional skill, knowledge and care in accordance with reasonably safe and accepted standards of care within the medical community.

7. At all relevant times Carl Graves was under the medical care, treatment and attendance of the aforementioned Defendants directly or through their agents, servants, and/or

employees (including ostensible agents) and under their direct control or right of control.

8. At all relevant times hereto, Defendants undertook to provide health care and professional services to Carl Graves and a doctor/patient relationship was established between Plaintiff, Carl Graves and Defendants.

9. Plaintiffs are making professional liability claims against Defendants, Ajeeb John Titus, M.D. and Rock Wellness Center, P.C. *A copy of the Plaintiff's Certificate of Merit is attached hereto as Exhibit "A".*

10. Plaintiff, Carl Graves, first became a patient of Dr. Titus and the Rock Wellness Center on or about May 23, 2016. Mr. Graves began treating with Dr. Titus for generalized complaints of pain to the lower back and knee. At the initial consultation, Dr. Titus immediately issued Mr. Graves prescriptions for opioids and muscle relaxers without ordering any diagnostic testing or any other treatment modalities.

11. Mr. Graves continued to treat with Defendants through August 24, 2020, and he was issued his last batch of prescriptions by Dr. Titus on September 21, 2020 for amphetamine and oxycodone.

12. Prior to initiating treatment Defendants were required to perform the necessary risk assessment and screening prior to any prescribing of Schedule II Controlled Dangerous Substances, which Defendants failed to perform.

13. Defendants were required to perform a detailed, initial medical history and complete examination prior to the prescribing of multiple Schedule II Controlled Dangerous Substances, which Defendants failed to perform.

14. Defendants were required to formulate an actual and specific medical diagnosis of their own for Mr. Graves prior to the prescribing of multiple Schedule II Controlled Dangerous Substances and were required to formulate a safe and effective treatment plan other than the excessive prescribing of thousands of Schedule II Controlled Dangerous Substances from the commencement of treatment through plaintiff's last prescription on September 21, 2020.

15. Mr. Graves saw Dr. Titus in his medical office, usually at monthly intervals, which did not involve any actual treatment, little diagnostic testing and no non-narcotic treatment modalities or specialist referrals; rather, at each visit the Defendants repeatedly issued multiple prescriptions for dangerous and deadly combinations of Schedule II Controlled Dangerous Substances that were known to be highly addictive and extremely dangerous which Defendants recklessly disregarded, subjecting Plaintiff, Carl Graves, to severe risk of harm.

16. The frequency, amount and potency of the multitude of Schedule II opioids and amphetamines prescribed by Dr. Titus to Carl Graves was known or should have been known by Dr. Titus to be highly addictive and dangerous and likely to cause Mr. Graves severe harm.

17. During these numerous office visits, the afore-mentioned Defendants failed to order appropriate blood work, appropriate diagnostic testing, therapy, and non-narcotic treatment modalities and Defendants failed to refer Mr. Graves to appropriately trained specialists that could adequately render safe and effective treatment. In short, Defendants had no treatment plan other than the reckless prescribing of extreme amounts and combinations of opioids and other Schedule II Controlled Substances that Defendants knew or should have known would cause addiction and severe risk of harm and illness.

19. At all times relevant hereto, Dr. Titus provided health care services to Carl Graves that exclusively consisted of repeated issuance of prescriptions for extreme and dangerous amounts

of Schedule II narcotic pain medication along with other Schedule II Controlled Dangerous Substances for over four (4) years, while failing to provide Mr. Graves with any safe and effective treatment.

20. The frequency, amount and potency of the Schedule II opioids and amphetamines prescribed by Dr. Titus to Mr. Graves were highly dangerous and compromised Mr. Grave's health and general welfare, leading to the illness/disease of addiction.

21. As a direct result of the actions of Dr. Titus, Carl Graves developed a severe addiction/dependency to the Schedule II Controlled Dangerous Substances that were repeatedly and indiscriminately prescribed by Dr. Titus which Dr. Titus knew or should have been known of the extreme harm that was likely to occur and did occur.

22. According to the medical records provided to date by Dr. Titus, Dr. Titus wrote **at least** one hundred and five (105) narcotic prescriptions consisting of **at least** seven thousand four hundred (7,400) highly addictive oxycodone pills and **at least** twenty-nine (29) amphetamine prescriptions consisting of **at least** one thousand, seven hundred (1,770) dangerous and addictive amphetamine pills.

23. On September 21, 2020, without even conducting an office visit, Mr. Graves was given his last two prescriptions from Dr. Titus, one for sixty (60) tablets of the amphetamine Adderall and the other for one hundred-twenty (120) tablets of the highly addictive, potent and dangerous opioid, Roxicodone.

24. After receiving his last narcotic prescription from Dr. Titus and the arrest of Dr. Titus shortly thereafter, Carl Graves experienced the severe and life-threatening effects of addiction and substance use disorder caused by the negligence and recklessness of Dr. Titus, causing Mr.

Graves to be hospitalized multiple times and necessitating ongoing treatment to treat the illness Defendants inflicted upon Plaintiff, Carl Graves.

25. Defendants repeatedly disregarded and violated Pennsylvania Regulations governing minimum standards of care by failing to conduct any thorough examinations, failing to develop any safe and effective treatment plan, failing to order diagnostic testing, and utterly failing to render any legitimate treatment, but instead only repeatedly prescribed opioids and amphetamines without any legitimate medical purpose.

26. Defendants not only violated Pennsylvania Regulations, but also violated basic, acceptable standards of care that were repeatedly and egregiously violated over the entire course of Mr. Graves' care.

27. Despite the ineffectiveness of the narcotic medications being prescribed, Defendants completely ignored the likely risk of addiction and other adverse effects and consciously continued to negligently and recklessly prescribe dangerous amounts of Schedule II opioids and amphetamines which resulted in Plaintiff, Carl Graves, developing the illness of addiction/substance use disorder.

28. The grievous injuries and pain and suffering of Carl Graves was caused solely and exclusively by the afore-mentioned actions of the Defendants individually, jointly, severally and/or alternative, and/or by their agents, servants, and employees, and were due in no manner whatsoever to any act or failure to act on the part of Mr. Graves.

COUNT ONE: NEGLIGENCE/RECKLESSNESS
CARL GRAVES v. DR. AJEEB JOHN TITUS, M.D. and ROCK WELLNESS CENTER,
P.C., individually, jointly, severally and/or in the alternative

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

30. The medical records produced by Defendants show, that from May 23, 2016 through September 21, 2020, the narcotics that were prescribed by the Defendants consisted of **at least** seven thousand four hundred (7,400) oxycodone pills and **at least** one thousand seven hundred seventy (1,770) amphetamine pills.

31. Defendants' prescriptions of said narcotics constituted wanton conduct and reckless indifference to decedent's safety, health and general welfare which ultimately led to Carl Graves severe illness and adverse effects.

32. As licensed medical professionals, Defendants knew or should have known that they exposed Carl Graves to a high probability of addiction to said narcotics that would lead to a severe risk of harm and illness.

33. Defendants knew or should have known that Carl Graves had become ill with addiction due to the extreme amounts of narcotics they were prescribing; yet, Defendants ignored all signs of the terrible illness they inflicted, and Dr. Titus just continued his reckless prescribing of said narcotics to Mr. Graves until he was arrested in September of 2020 due to his widespread prescribing of opioids and other Controlled Dangerous Substances without legitimate medical purpose.

34. Defendants utterly failed to formulate any safe and effective treatment plan for Mr. Graves but instead just prescribed extreme amounts of dangerous and addictive opioids and amphetamines which they knew or should have known would cause Mr. Graves addiction and severe harm and illness.

35. The injuries, harm and damages sustained by Carl Graves, as aforesaid, were directly and proximately caused by the negligent, careless, wanton, willful and reckless conduct of Defendants and consisted of one or more of the following:

- (a) failure to provide necessary medical information to Carl Graves regarding schedule II narcotic drug side effects, including the extreme danger of addiction;
- (b) failure to provide necessary medical information to health care providers and plaintiffs;
- (c) failure to communicate in a timely and proper manner regarding plaintiff's condition with the patient and to provide safe methods of treatment and the development of a reasonable and safe treatment plan;
- (d) failure to properly diagnose and monitor plaintiff's medical condition and use of dangerous and potent opiates combined with other controlled substances;
- (e) failure to order appropriate blood work and diagnostic tests for plaintiff;
- (f) failure to take a proper history on plaintiff and obtain necessary medical records before prescribing narcotics;
- (g) failure to formulate an accurate, independent diagnosis of any health condition of plaintiff that warranted the extreme and dangerous prescribing of narcotic medications;
- (h) failure to make proper medical decisions regarding the treatment of plaintiff, Carl Graves, that would not subject him to severe risk of harm;
- (i) prescribing/dispensing unreasonable/dangerous amounts of narcotic medications along with other controlled substances;

- (j) failing to take into account prior medical conditions or risk factors before prescribing narcotic medications;
- (k) prescribing and dispensing extreme amounts of narcotic medication that were highly likely to cause addiction and serious side effects, harm and illness;
- (l) failing to development alternative treatment regimens to reduce the usage of narcotic medication;
- (m) failing to obtain and review prior and concurrent physician records for plaintiff to gain any understanding of their opinions and recommended treatments;
- (n) failing to keep adequate records that should have included completing a thorough history and physical, maintaining copies of prescriptions, maintaining contemporaneous office notes/medical records and contemporaneously documenting progress with treatment or lack thereof;
- (o) failing to develop a safe and effective treatment plan for Carl Graves;
- (p) failing to refer plaintiff to appropriate specialists when the treatment being provided utilizing significant amounts of opioids and other controlled substances were not effective but instead becoming increasingly dangerous;
- (q) failing to perform required and necessary physical examinations throughout the course of plaintiff's extended period of receiving extreme amounts of prescriptions for narcotic medication;
- (r) failing to conform to the applicable Pennsylvania and Federal regulations that set forth minimum standards and protocols to ensure safe prescribing of controlled substances;

- (s) practicing a medical specialty in which Defendants were not trained and were not qualified;
- (t) continually prescribing dangerous and escalating amounts of narcotic medication without any medical justification or explanation when it was known or it should have been known that serious adverse health effects were occurring;
- (u) failing to wean plaintiff from dangerous and deadly narcotic medications when Defendants knew or should have known of the severe risk of harm that would result;
- (v) prescribing multiple, powerful and dangerous narcotic drugs at the same time when Defendants knew or should have known of the severe risk of harm of said drugs causing the illness of addiction;
- (w) failing to keep and maintain contemporaneous medical records/office notes/progress notes as proscribed by law;
- (x) inflicting the illness of addiction upon Carl Graves;
- (y) failing to recognize signs and symptoms of the illness of addiction;
- (z) ignoring the 2014 Pennsylvania Medical Society (PMS) guidelines regarding the prescribing of opioids to treat chronic noncancer pain;
- (aa) ignoring the 2016 Centers for Disease Control and Prevention (CDC) guidelines for the prescribing of opioids to treat chronic noncancer pain;

36. Defendants acted wantonly, recklessly and negligently by prescribing extreme amounts and combinations of dangerous and addictive narcotic medications without medical justification, by failing to assess and monitor Carl Grave's health adequately, by failing to provide any safe and effective treatment plan with willful and reckless disregard to the rights and safety of

their patient, Carl Graves, all of which led to Mr. Graves suffering the illness of addiction/substance use disorder.

WHEREFORE, Plaintiff, Carl Graves, demands damages against Defendants, in an amount in excess of \$50,000.00, exclusive of pre-judgment interest, post-judgment interest, together with costs, punitive damages, interest, attorney's fees and such other relief as permitted by law and as the Court may deem appropriate under the circumstances.

COUNT TWO: LOSS OF CONSORTIUM
CARL GRAVES & SANDI JO GRAVES, h/w v. DR. AJEEB JOHN TITUS, M.D. and
ROCK WELLNESS CENTER, P.C., individually, jointly, severally and/or in the alternative

37. At all times relevant hereto Plaintiff, Sandi Jo Graves, was and is the wife of Plaintiff, Carl Graves.

38. As a direct result of the recklessness and negligence of the Defendants as aforesaid the Plaintiff, Sandi Jo Graves, has been and will be deprived of the comfort, companionship and consortium of her husband, Carl Graves, has been and will be forced to incur significant medical expenses in an effort to cure her husband of his illness, has had to return to the work force in order to support her family and provide for their two children, has suffered a serious disruption of her life, and has been otherwise damaged.

WHEREFORE, Plaintiffs, Carl Graves and Sandi Jo Graves, demand damages against Defendants, in an amount in excess of \$50,000.00, exclusive of pre-judgment interest, post-judgment interest, together with costs, punitive damages, interest, attorney's fees and such other relief as permitted by law and as the Court may deem appropriate under the circumstances.

DATED: July 13, 2022



MARK C. DEWLAND, ESQUIRE

DATED: July 13, 2022

/s/ Richard J. Hollawell

RICHARD J. HOLLAWELL, ESQUIRE
Attorneys for Plaintiff, Carl Graves & Sandi
Jo Graves, h/w

VERIFICATION

I, Carl Graves, Plaintiff in the above captioned action, hereby verify that the statements made in the above captioned 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. .



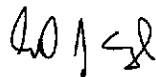
Carl Graves

EX. A

CERTIFICATE OF MERIT OF ANDREW J. ENGEL, M.D.

I, Andrew J. Engel, M.D., am a medical doctor in good standing of the medical community of the State of Illinois, specializing in the clinical practice of Pain Management and I have sufficient education, training, knowledge and experience relating to appropriate standards that should be followed in the case-Carl Graves v. Ajeeb John Titus, M.D. & Rock Wellness Center, P.C. I am Board Certified in Pain Management and Anesthesiology and my practice consists of treating patients with acute and chronic pain conditions. I have a DEA license to prescribe controlled substances and I am very familiar with the standards physicians must follow when utilizing opioids and other controlled substances as part of a pain management treatment plan. After reviewing the materials relating to this case, it is my opinion that there exists a reasonable probability that the care, skill or knowledge exercised or exhibited by Ajeeb John Titus, M.D. individually and as a member, shareholder, principal, employee or agent of Rock Wellness Center, P.C. in the treatment, practice or work that is the subject matter of the case regarding Carl Graves, fell outside acceptable professional standards and that such conduct was a cause in bring about the harm and damages sustained by Carl Graves.

In addition, it is my opinion that there exists a reasonable probability that the claim that Defendant, Ajeeb John Titus, M.D., deviated from acceptable professional standards is also based on allegations that any other licensed professional for whom Dr. Titus is responsible deviated from acceptable standards and that such conduct was a cause in bringing about the harm and damages sustained by Carl Graves.



Andrew J. Engel, MD

Date 5/29/2022