

2010 WL 7768928 (Minn.Dist.Ct.) (Trial Pleading)
District Court of Minnesota,
Sixth Judicial District.
St. Louis County

Alan MEINERSHAGEN, Plaintiff,

v.

Stefan J. KONASIEWICZ, M.D., and St. Luke's Hospital of Duluth, Defendants.

No. CV-10-2255.
February 13, 2010.

Complaint

Law Offices of Richard E. Bosse, Chartered, [Richard E. Bosse](#) (#0245501), Attorney for Plaintiff, 303 Douglas Avenue, PO Box 315, Henning, MN 56551, (218) 583-4342.

COMES NOW the Plaintiff, Alan Meinershagen, by and through his undersigned attorney and sues the Defendants, Stefan J. Konasiewicz, M.D., and St. Luke's Hospital of Duluth, jointly and severally says:

FIRST CAUSE OF ACTION

I.

This is a cause of action for damages in excess of Fifty Thousand (\$50,000.00) Dollars.

II.

The Plaintiff, Alan Meinershagen, is a resident of the City of Duluth, County of St. Louis, State of Minnesota.

III.

The Defendant, Stefan J. Konasiewicz, M.D., is a resident of the City of Corpus Christi, County of Nueces, State of Texas.

IV.

That at all times material herein, the Defendant, St. Luke's Hospital of Duluth, is a corporation organized and existing under the laws of the State of Minnesota and is engaged in providing medical services in Duluth, Minnesota and hospital services to the public at large and the Plaintiff, Alan Meinershagen.

V.

That upon information and belief, at all times material herein, the Defendant, Stefan J. Konasiewicz, M.D., was an agent and/or employee of the Defendant, St. Luke's Hospital of Duluth.

VI.

That at all times material herein, the Defendant, Stefan J. Konasiewicz, M.D., was a physician and surgeon duly licensed to practice under the laws of the State of Minnesota.

VII.

That at all times material herein, the Defendant, Stefan J. Konasiewicz, M.D., held himself out to the public in general and to the Plaintiff, Alan Meinershagen, in particular as being a specialist in neurosurgery, being possessed with a high degree of knowledge concerning surgical procedures and capable of exercising a high degree of skill and care while performing such surgery.

VIII.

On February 19, 2006 the Plaintiff, Alan Meinershagen, was admitted to St. Luke's Hospital of Duluth for left hand and arm weakness and numbness which he had had for several days with concerns that he may have had a stroke.

IX.

A CT scan of the brain without contrast was performed on February 19, 2006 which showed an approximately 2.5 cm posterior right frontal lesion suggesting the presence of a neoplastic lesion and/or alternatively, an edema from a subacute cortical infarct.

X.

An MRI performed on February 20, 2006 reflected an irregular enhancing lesion in the right hemisphere which was not typical for an infarct and thus neoplasm could not be excluded. It was reported that there was relatively little mass effect from this lesion.

XI.

On February 21, 2006 the Plaintiff, Alan Meinershagen, was examined by the Defendant, Stefan J. Konasiewicz, M.D., at which time the Defendant recommended a brain biopsy.

XII.

The Defendant, Stefan J. Konasiewicz, M.D., and the employees and agents of the Defendant, St. Luke's Hospital of Duluth, failed to advise the Plaintiff, Alan Meinershagen, prior to the operation of the risks involved and the serious consequences attendant to such operation.

XIII.

On February 21, 2006 the Defendant, Stefan J. Konasiewicz, M.D., performed the surgical procedure of a brain biopsy.

XIV.

The tissue from such brain biopsy was reported by pathology on February 21, 2006 as benign.

XV.

As a result of the operative procedure, the Plaintiff, Alan Meinershagen, developed intraparenchymal hemorrhage within the area of the biopsied lesion, post-operative seizure, dense left hemiplegia, severe cerebral dysfunction and brain injury.

XVI.

The Plaintiff, Alan Meinershagen, was hospitalized through March 3, 2006 at which time he was discharged to rehab where he required total assistance for his activities and daily living. He was discharged on April 5, 2006 to a nursing home requiring assistance with daily living activities, wheelchair bound, cognitive deficits and speech impairment. He was discharged to subacute rehab at Lakeshore Lutheran and remains in a nursing home today, requiring full time assistance for his daily living activities, is wheelchair bound and has permanent cognitive deficits and speech impairment.

XVII.

The Defendant, Stefan J. Konasiewicz, M.D., and the agents and employees of the Defendant, St. Luke's Hospital of Duluth, negligently and carelessly failed to exercise that degree of skill and care customarily exercised by similarly trained physicians, agents and employees under like circumstances and deviated from the standard of care in that:

- a. The Plaintiff, Alan Meinershagen, was not an appropriate candidate for such surgical procedures; and/or
- b. Proper and appropriate diagnostic test and studies were not performed before such operation or were deficient; and/or
- c. Failed to perform further diagnostic testing to determine whether the Plaintiff, Alan Meinershagen, had an infarct (stroke) or tumor or hemorrhage; and/or
- d. Failed to refer the Plaintiff, Alan Meinershagen, to a neuroradiologist to determine the nature of the lesion; and/or
- e. Performed the surgical procedure of the brain biopsy; and/or
- f. Failed to recognize the Plaintiff, Alan Meinershagen, presented as a stroke more likely than as a tumor; and/or
- g. Failed to follow a conservative course.

XVIII.

As a direct cause and result of the negligence of the Defendants, each and everyone of them, the Plaintiff, Alan Meinershagen, suffered intraparenchymal hemorrhage within the area of the biopsied lesion, postoperative seizure, dense left hemiplegia, severe cerebral dysfunction and brain injury.

XIX.

That the Plaintiff, Alan Meinershagen, at the time of the operation and biopsy and his injuries was actively engaged in farming, his life's occupation.

XX.

That as a proximate result of the negligence and deviation from the standard of care of the Defendants, the Plaintiff, Alan Meinershagen, is permanently disabled and unable to pursue his life's work, lost income and will lose income in the future.

XXI.

As a direct and proximate cause of the aforesaid described negligence of the Defendants, each and everyone of them, and their deviation from the standard of care, the Plaintiff, Alan Meinershagen, has been obligated to continue extensive medical care and treatment and has been caused to expend considerable sums of money for hospital, medical and nursing care and will be forced in the future to expend additional sums of money for medical care, all to the Plaintiff's further damage in excess of the sum of Fifty Thousand (\$50,000.00) Dollars.

XXII.

As a further proximate result of the aforesaid negligence of the Defendants, each and everyone of them, and their deviation from the standard of care, the Plaintiff, Alan Meinershagen, has endured and in the future will endure great pain and suffering. The Plaintiff, Alan Meinershagen, has been incapacitated and compelled to undergo prolonged medical treatment, including additional hospitalization and nursing home care. The Plaintiff's injuries continue to this date and are permanent in nature. He is unable to care for himself and requires continual assistance for his daily living. He has suffered an intraparenchymal hemorrhage, seizures, hemiplegia, severe cerebral dysfunction, cognitive deficits, speech impairment and permanent brain injury. He is wheelchair bound. The Plaintiff also suffers from emotional and physiological disorders and from depression. The injuries to the Plaintiff, Alan Meinershagen, in his mind and body are severe, painful and permanent in their nature; and have cause and will in the future cause great pain and suffering of mind and body, loss of earning capacity and loss of ability to engage in normal and ordinary activities and in the future will incur medical and hospital expenses in an amount which cannot be accurately stated at the present time, but which are estimated to be in excess of Fifty Thousand (\$50,000.00); and has generally suffered damages in excess of Fifty Thousand (\$50,000.00) Dollars.

WHEREFORE, the Plaintiff demands judgment against the Defendants, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, together with costs and disbursements.

DEMAND FOR JURY TRIAL

The Plaintiff demands trial by jury of all issues which are so triable.

Dated: 2/13/10

LAW OFFICES OF RICHARD E. BOSSE, CHARTERED

By: <<signature>>

Richard E. Bosse (#0245501)

Attorney for Plaintiff

303 Douglas Avenue

PO Box 315

Henning, MN 56551

(218) 583-4342

ACKNOWLEDGEMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to [Minn. Stat. § 549.21](#), Subd. 2 to the party against whom the allegations in this pleading are asserted.

<<signature>>

Richard E. Bosse

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.