

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO:

PATRICIA CALDORON,

Plaintiff,

v.

TOM MINAS, M.D., and TENET FLORIDA
PHYSICIAN SERVICES II, L.L.C. d/b/a
PALEY ORTHOPEDIC & SPINE
INSTITUTE,

Defendants.

/

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, PATRICIA CALDORON, by and through undersigned counsel, sues Defendants, TOM MINAS, M.D. and TENET FLORIDA PHYSICIAN SERVICES II, L.L.C. d/b/a PALEY ORTHOPEDIC & SPINE INSTITUTE and states:

JURISDICTION, PARTIES & VENUE

1. This is an action for damages that exceed fifty thousand dollars (\$50,000.00), exclusive of interest, costs, and attorney's fees.
2. Plaintiff, PATRICIA CALDORON, at all times relevant, was a resident of St. Lucie County, Florida, and is otherwise, *sui juris*.
3. At all times relevant, Defendant, TOM MINAS, M.D. (herein shall be referred to as "MINAS"), was a physician licensed to practice in the state of Florida, and actively practicing as a physician in Palm Beach County, Florida.

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4. At all times relevant, Defendant TENET FLORIDA PHYSICIAN SERVICES II, L.L.C. d/b/a PALEY ORTHOPEDIC & SPINE INSTITUTE (herein shall be referred to as "PALEY INSTITUTE") was a Florida for-profit corporation with an office for transaction of its customary business in Palm Beach County, Florida.

5. At all times relevant, Defendant MINAS was an employee and/or agent of PALEY INSTITUTE and was acting within the course and scope of said employment/agency.

6. Venue is proper in Palm Beach County, Florida because Defendants MINAS and PALEY INSTITUTE reside in the County.

7. All conditions precedent to the bringing of this action have occurred, have been waived, or have been otherwise satisfied, including the requirements set forth in Chapter 766.

8. Plaintiff would further allege that Defendants MINAS and PALEY INSTITUTE did not comply with the presuit requirements of Section 766 and failed to provide relevant information/documents that were requested during the presuit investigation.

FACTS GIVING RISE TO THE CLAIM

9. PATRICIA CALDORON presented to Defendant MINAS at PALEY INSTITUTE for orthopedic care and treatment.

10. The patient presented as a 68-year-old female with pain and osteoarthritis in the left knee.

11. MINAS proceeded to recommend and perform a left total knee arthroplasty (TKA), which was performed on March 14, 2024.

12. However, during the procedure, MINAS used a lateral approach, which was unnecessary given the circumstances and exposed Plaintiff to increased risk of injury and complications.

13. Following the procedure, the Plaintiff returned to MINAS and exhibited signs and symptoms of intractable pain and swelling.

14. MINAS failed to appropriately and timely assess and work-up the Plaintiff's complaints, instead just discharging Plaintiff from his care.

15. Plaintiff continued to suffer with pain, difficulty standing and ambulating and developed a large knee effusion on the left knee.

16. Plaintiff proceeded to be evaluated by another physician regarding her left knee, but due to the lateral approach used by MINAS in the index procedure, was told that the surgeon could not perform a revision.

17. Plaintiff was seen by another physician and had x-rays performed which showed loosening of the tibial implant with a kneecap tilt.

18. As a result of the care and treatment by MINAS, Plaintiff suffered significant and permanent injuries and exacerbation of pre-existing conditions.

COUNT I
NEGLIGENCE OF TOM MINAS, M.D.

19. Paragraphs 1-18 are adopted and restated as if fully set forth herein.

20. At all times relevant, Defendant MINAS owed a duty to PATRICIA CALDORON to provide that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

21. Defendant MINAS breached that duty to PATRICIA CALDORON through one or more of the following acts or omissions:

- a) Using a lateral approach when performing a total knee arthroplasty, which was an inappropriate approach under the circumstances and needlessly exposed the Plaintiff to increased risk of injury and complications;
- b) Failing to perform an appropriate diagnostic workup, considering the postoperative complications of intractable pain and swelling; and
- c) Prematurely discharging the Plaintiff from care without taking reasonable steps to determine the cause of Plaintiff's intractable pain, swelling, and associated problems, including difficulty with standing, ambulation, and development of an effusion on the left knee, as well as subsequent x-rays demonstrating loosening of the tibial implant with a kneecap tilt.

22. It was foreseeable to Defendant that these acts and omissions would result in injury to PATRICIA CALDORON.

23. As a direct and proximate result of Defendant MINAS' negligence, Plaintiff PATRICIA CALDORON has in the past suffered and will in the future continue to suffer bodily injury, pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, and the expense of hospitalization, medical and nursing care and treatment, and aggravation of a pre-existing condition. These losses are permanent and continuing in nature and Plaintiff PATRICIA CALDORON will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, PATRICIA CALDORON, demands judgment against Defendant, TOM MINAS, M.D., for compensatory damages, costs of this action, post-judgment interest, and such further relief as this Court deems just and proper.

COUNT II
VICARIOUS LIABILITY OF PALEY INSTITUTE FOR MINAS

24. Paragraphs 1-23 are adopted and restated as if fully set forth herein.

25. At all times relevant, Defendant PALEY INSTITUTE is responsible and vicariously liable for the negligent acts, conduct, and omissions of its employees and/or agents acting within the course and scope of said employment/agency, including MINAS.

26. At all times relevant, MINAS was an employee and/or agent of PALEY INSTITUTE, was acting within the scope of said employment/agency of PALEY INSTITUTE, was under the control of PALEY INSTITUTE, and acting in furtherance of PALEY INSTITUTE's interest, thereby making PALEY INSTITUTE vicariously liable for the negligent acts, conduct, and omissions of MINAS.

27. As a direct and proximate result of the negligence and breach of duty by MINAS, as employee/agent of PALEY INSTITUTE, Plaintiff PATRICIA CALDORON was permanently and severely injured.

28. As a direct and proximate result of the negligent acts, conduct, and omissions of Defendant PALEY INSTITUTE, by and through its employee/agent, MINAS, Plaintiff PATRICIA CALDORON has in the past suffered and will in the future continue to suffer bodily injury, pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, and the expense of hospitalization, medical and nursing care and treatment, and aggravation of a pre-existing condition. These losses are permanent and continuing in nature and Plaintiff PATRICIA CALDORON will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, PATRICIA CALDORON demands judgment against Defendant, TENET FLORIDA PHYSICIAN SERVICES II, L.L.C. d/b/a PALEY ORTHOPEDIC & SPINE INSTITUTE, for compensatory damages, costs of this action, post-judgment interest, and such further relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff, PATRICIA CALDORON, demands a trial by jury of all issues so triable as a matter of right.

CERTIFICATE OF PLAINTIFF'S COUNSEL

The undersigned counsel hereby certifies that he has made a reasonable investigation as permitted by the circumstances which has given rise to his belief that grounds exist for the subject action against the Defendants named in this complaint.

DATED this 25th day of November, 2025.

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