

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

GENERAL JURISDICTION DIVISION

CASE NO:

PETER KOJALO,

Plaintiff,

v.

STEPHEN MATTHEW QUINNAN, 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, PETER KOJALO, by and through undersigned counsel, sues Defendants,
STEPHEN MATTHEW QUINNAN, 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, PETER KOJALO, at all times relevant, was a resident of Palm Beach County, Florida, and is otherwise, *sui juris*.
3. At all times relevant, Defendant, STEPHEN MATTHEW QUINNAN, M.D. (herein shall be referred to as "QUINNAN"), was a physician licensed to practice in the state of Florida, and actively practicing as a physician in Palm Beach County, Florida.

Freedland Harwin Valori Gander Spillis, PLLC
550 South Andrews Avenue, Suite 630, Fort Lauderdale, Florida 33301

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 QUINNAN 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 QUINNAN 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 QUINNAN 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. PETER KOJALO presented to Defendant QUINNAN at PALEY INSTITUTE for orthopedic care and treatment.

10. The patient presented as a 53-year-old male with right ankle pain.

11. QUINNAN proceeded to recommend and perform a limb lengthening procedure on Plaintiff on October 28, 2022, specifically, an open treatment right distal tibia fracture malunion with lag screw fixation, osteotomy right distal tibia, osteotomy right fibula, osteoplasty with lengthening right tibia with proximal tibial osteotomy, temporary arthrodesis right proximal tibiofibular joint, and placement of prophylactic intramedullary IM nail.

12. Prior to recommending and proceeding with surgery, QUINNAN did not perform the necessary studies, including a CT Scanogram, to accurately measure the leg length discrepancy, if any, prior to surgery.

13. QUINNAN also did not document the amount of leg lengthening that he would attempt to achieve in the anticipated surgery.

14. QUINNAN did not recommend to Plaintiff any conservative treatment prior to recommending the limb lengthening procedure.

15. QUINNAN also did not adequately explain or advise Plaintiff of the risks associated with this invasive and complex limb lengthening procedure prior to Plaintiff agreeing to undergo it.

16. Subsequent to the procedure, Plaintiff continued to worsen with pain, difficulty ambulating, and has required additional care and procedures due to the initial unnecessary limb lengthening procedure.

17. As a result of the care and treatment and unnecessary procedure by QUINNAN, Plaintiff suffered a catastrophic and permanent injury and was otherwise harmed.

COUNT I
NEGLIGENCE OF STEPHEN MATTHEW QUINNAN, M.D.

18. Paragraphs 1-17 are adopted and restated as if fully set forth herein.

19. At all times relevant, Defendant QUINNAN owed a duty to PETER KOJALO 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.

20. Defendant QUINNAN breached that duty to PETER KOJALO through one or more of the following acts or omissions:

- a) Performing an invasive, complex, and dangerous limb-lengthening surgical procedure without valid justification;
- b) Performing the limb-lengthening procedure when Plaintiff did not meet the accepted criteria to have such a procedure and when the risks of such a complex procedure greatly outweighed any potential benefits; and
- c) Failing to recommend appropriate conservative treatment prior to offering surgery.

21. It was foreseeable to Defendant that these acts and omissions would result in injury to PETER KOJALO.

22. As a direct and proximate result of Defendant QUINNAN' negligence, Plaintiff PETER KOJALO 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 PETER KOJALO will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, PETER KOJALO, demands judgment against Defendant, STEPHEN MATTHEW QUINNAN, 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
LACK OF INFORMED CONSENT AS TO DEFENDANT QUINNAN

23. Paragraphs one through twenty-one (1-22) are adopted and restated as if fully set forth herein.

24. At all times relevant, Plaintiff was under the care and treatment of QUINNAN.

25. QUINNAN was required to explain to Plaintiff substantial risks and hazards inherent in the limb lengthening procedure prior to proceeding to perform said procedure on Plaintiff.

26. Prior to performing the procedure, QUINNAN did not explain to Plaintiff the substantial risks and hazards inherent in the procedure or the medically acceptable alternative procedures or treatments.

27. Plaintiff would not have undergone the procedure had Plaintiff been properly advised by Defendant of the risks and hazards inherent in the procedure, as well as the other medically acceptable alternatives.

28. Plaintiff underwent the procedure without informed consent and as a result, suffered bodily injury.

29. As a direct and proximate result of Defendant QUINNAN's failure to obtain informed consent, Plaintiff PETER KOJALO 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 PETER KOJALO will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, PETER KOJALO, demands judgment against Defendant, STEPHEN QUINNAN, M.D., for compensatory damages, costs of this action, post-judgment interest, and such further relief as this Court deems just and proper.

COUNT III
VICARIOUS LIABILITY OF PALEY INSTITUTE FOR QUINNAN

30. Paragraphs 1-29 are adopted and restated as if fully set forth herein.

31. 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 QUINNAN.

32. At all times relevant, QUINNAN 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 QUINNAN.

33. As a direct and proximate result of the negligence and breach of duty by QUINNAN, as employee/agent of PALEY INSTITUTE, Plaintiff PETER KOJALO was permanently and severely injured.

34. As a direct and proximate result of the negligent acts, conduct, and omissions of Defendant PALEY INSTITUTE, by and through its employee/agent, QUINNAN, Plaintiff PETER KOJALO 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 PETER KOJALO will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, PETER KOJALO 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, PETER KOJALO, 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.

FREEDLAND HARWIN VALORI
GANDER SPILLIS P.L.L.C.
Counsel for Plaintiff
550 South Andrews Avenue, Suite 630
Fort Lauderdale, FL 33301
Tel: 954-467-6400
Fax: 954-670-2530

By: s/ Daniel Harwin

DANIEL HARWIN, ESQ.

FBN: 0682446

Daniel@fhvlegal.com

MELISSA GUNION, ESQ.

FBN: 86766

Melissa@fhvlegal.com

Cheri@fhvlegal.com