

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION

CASE NO.:

NANCY FAIELLA,
and DANIEL FAIELLA, her husband,

Plaintiffs,

vs.

KAHLIL A. SHILLINGFORD, M.D. and
KAHLIL A. SHILLINGFORD, MD PA,

Defendant(s).

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, Plaintiffs, NANCY FAIELLA, and DANIEL FAIELLA, her husband, by
and through undersigned counsel, and hereby sue the Defendants, KAHLIL A. SHILLINGFORD,
M.D., and KAHLIL A. SHILLINGFORD, MD PA and allege:

JURISDICTION AND VENUE

1. This action is within the jurisdiction of this honorable court in that it seeks damages in excess of Fifty Thousand and 00/100 Dollars (\$50,000.00), exclusive of interest and costs.
2. Venue is proper in the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, as the Plaintiffs' cause of action arose within Palm Beach County, Florida, and one or more of the Defendants maintain an office for the transaction of customary business in Palm Beach County, Florida.
3. At all times material hereto, the Plaintiffs were *sui juris*.

4. At all times material hereto, Defendant, Kahlil A. Shillingford, M.D., was and is a physician licensed to practice medicine in the State of Florida and actively practicing medicine in Palm Beach County, Florida.

5. At all times material herein, KAHLIL A. SHILLINGFORD, M.D. was and is an employee, owner, agent, and/or apparent agent of Defendant, KAHLIL A. SHILLINGFORD, MD PA.

6. Undersigned counsel hereby certifies on behalf of Plaintiffs that they have made a good faith and reasonable investigation as permitted by the circumstances to determine that there has been negligence by the Defendants.

7. Additionally, Plaintiffs has complied with all conditions precedent required to initiate this cause of action in the state of Florida.

8. Plaintiffs have reasonable grounds to believe that the medical care and treatment rendered by Defendants to Plaintiff, NANCY FAIELLA, through their employees, agents and/or apparent agents including, but not limited to, the Defendants named herein, deviated from the acceptable and prevailing standards of care in such cases by medical providers in Palm Beach County, Florida or other similar medical communities.

9. At all times material herein Plaintiff, NANCY FAIELLA, was a patient of the Defendants - beginning with her initial consultation, with Dr. Shillingford.

10. On April 24, 2023, Mrs. Faiella presented to Palm Beach Gardens Regional Surgery Center for Dr. Shillingford to perform a laparoscopic sleeve gastrectomy.

11. On April 24, 2023, Dr. Shillingford noted that upon dissection of the hiatus, noted a moderate-size hiatal hernia defect which was repaired in standard fashion. Dr. Shillingford noted before the conclusion of the procedure, he checked for bleeding or any leaking gastric contents

and there were none, and that the patient tolerated the procedure and was brought to the recovery room in good condition.

12. Mrs. Faiella was informed that the surgery was successful, however, she was experiencing substantial post-operative pain, accompanied by elevated blood pressure and pulse.

13. On April 24, 2023, Mrs. Faiella attempted to ambulate to the bathroom but subsequently fainted and fell to the floor. Emergency Medical Services were called, and Mrs. Faiella was admitted to the Emergency Room at Palm Beach Gardens Medical Center.

14. On April 24, 2023, Mrs. Faiella was taken for a CT scan of her abdomen which identified a hematoma in the region surrounding the spleen. Despite undergoing volume resuscitation, Mrs. Faiella's condition deteriorated, and she developed tachycardia, indicating ongoing blood loss.

15. On April 25 2023, an emergency open abdominal exploratory surgery procedure was performed to determine the source of the bleeding.

16. Following the emergency surgery, it was determined that Mrs. Faiella had sustained a laceration of the spleen, with active bleeding from the splenic hilum and a posterior pole splenic tear. The surgical team confirmed that the bleeding was a complication arising from the earlier gastric sleeve surgery. The spleen could not be salvaged, and it had to be removed during the operation. Additionally, the surgical team reinforced the gastric sleeve staple line with clips in several areas where oozing was noted.

17. During the surgery, Mrs. Faiella experienced two episodes of cardiac arrest. As a result, eight units of blood were transfused to address significant blood loss, leading to a post-operative anemia.

18. Following the emergency procedure, Mrs. Faiella was admitted to the Intensive Care Unit, where she remained for one week due to the severity of her condition. She continued her recovery for an additional week in the hospital before being discharged on May 8, 2023.

COUNT I-
CLAIM OF INDIVIDUAL NEGLIGENCE OF KAHLIL A. SHILLINGFORD,
M.D.

19. Plaintiffs restate and reallege paragraphs 1-18 and further allege:

20. At all times material herein, Defendant, KAHLIL A. SHILLINGFORD, M.D., undertook the duty to render medical care and treatment to Plaintiff, NANCY FAIELLA, in a skillful and careful manner and in accordance with the prevailing standards of medical care and treatment rendered in such cases by physicians in Palm Beach County, Florida or similar communities.

21. At all times material herein, Defendant, KAHLIL A. SHILLINGFORD, M.D., breached the duty he owed to Plaintiff, NANCY FAIELLA, by failing to care for her and treat her as he should have in accordance with the prevailing standards of medical care. Dr. Shillingford committed one or more of the following acts or omissions any and/or all of which were a departure from and constitute conduct below the prevailing standards of medical care and treatment in such cases.

22. Dr. Shillingford deviated from the acceptable standard of care in his treatment of Plaintiff, NANCY FAIELLA by reason of, but not limited to, the following:

- a. Negligently performing the April 24, 2023, gastric sleeve surgery;
- b. Failing to take precautions in securing the staple line and clips on the gastric sleeve during the April 24, 2023 surgery;

- c. Failing to properly examine the Plaintiff and discover Plaintiff's injuries before closing;
- d. Failing to ensure that a qualified surgeon with privileges was available to cover a post operative patient who required emergency admission and emergency surgery at the closest hospital.

23. The actions and omissions of Defendant KAHLIL A. SHILLINGFORD, M.D., as described above, were negligent and below the standards of care for reasonably prudent similar healthcare providers pursuant to Section 766.102, Fla. Stat. So too were the actions and omissions of Defendant KAHLIL A. SHILLINGFORD, M.D., as described above and as related to his treatment of Plaintiff, below that level of care, skill, and treatment which, in light of all relevant circumstances, are considered appropriate by reasonably prudent similar healthcare providers.

24. As a direct and proximate result of the negligence of Defendant KAHLIL A. SHILLINGFORD, M.D., Plaintiff, NANCY FAIELLA, suffered permanent bodily injury and resulting pain and suffering, inconvenience, disability, disfigurement, mental anguish, loss of the capacity for the enjoyment of life, emotional distress in the past and future, expense of hospitalization, medical, nursing and rehabilitative care and treatment, out of pocket expenses related to disability in the past and future, and aggravation of a previously existing condition or conditions. These losses are either permanent or continuing and NANCY FAIELLA will suffer the losses in the future.

WHEREFORE, Plaintiff, NANCY FAIELLA, demands judgement against the Defendant, KAHLIL A. SHILLINGFORD, M.D., for damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), in addition thereto such prejudgment interest, costs, and such other relief as this court deems just and allowed by law. Trial by jury is hereby demanded.

COUNT II
NEGLIGENCE OF KAHLIL A. SHILLINGFORD, MD PA

25. Plaintiffs, readopt and reallege Paragraphs 1 through 24, hereinabove, as if fully set forth herein and further allege:

26. At all times material hereto, Defendant, KAHLIL A. SHILLINGFORD, MD PA, is vicariously liable for the negligence of its employees, agents and/or apparent agents including, but not limited to, Defendant KAHLIL A. SHILLINGFORD, M.D., pursuant to the doctrines of ostensible and apparent agency and *respondeat superior*.

27. The negligent acts and omissions of Defendant, KAHLIL A. SHILLINGFORD, MD PA, by and through its employees, agents and/or apparent agents were a deviation from the usual ordinary and customary standards of medical care and treatment acceptable under the same or similar circumstances and they were thereby negligent, careless and in violation of the duty that was owed to NANCY FAIELLA.

28. As a direct and proximate result of the negligence, improper care and treatment rendered to him by the employees, agents and/or apparent agents of Defendant, KAHLIL A. SHILLINGFORD, MD PA, NANCY FAIELLA suffered permanent bodily injury and resulting pain and suffering, inconvenience, disability, disfigurement, mental anguish, loss of the capacity for the enjoyment of life, emotional distress in the past and future, expense of hospitalization, medical, nursing and rehabilitative care and treatment, out of pocket expenses related to disability in the past and future, and aggravation of a previously existing condition or conditions. These losses are either permanent or continuing and NANCY FAIELLA will suffer the losses in the future.

WHEREFORE, Plaintiff, NANCY FAIELLA, demands judgement against the Defendant, KAHLIL A. SHILLINGFORD, MD PA, for damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), and in addition thereto such prejudgment interest, costs, and such other relief as this court deems just and allowed by law. Trial by jury is hereby demanded.

COUNT III
LOSS OF CONSORTIUM CLAIM OF DANIEL FAIELLA

Plaintiff, DANIEL FAIELLA, readopts and realleges Paragraphs 1 through 28, hereinabove, as if fully set forth herein and further alleges:

29. At the time that this cause of action accrued, Plaintiff, DANIEL FAIELLA, was and is the spouse of NANCY FAIELLA and has suffered loss of consortium to include the loss of companionship, society, love, affection, solace, loss of services, expense of hospitalization, medical nursing and rehabilitation care and treatment.

WHEREFORE, Plaintiff, DANIEL FAIELLA, demands judgment for damages against all Defendants in an amount in excess of Fifty Thousand Dollars (\$50,000.00) and in addition thereto such prejudgment interest, costs, and such other relief as this court deems just and allowed by law. Trial by jury is hereby demanded.

DEMAND FOR JURY TRIAL

Plaintiffs, NANCY FAIELLA, and DANIEL FAIELLA, demand trial by jury on all issues so triable.

DATED this 15th day of December, 2025.

SLINGBAUM LAW, P.A.

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