

IN THE CIRCUIT COURT OF BRADLEY COUNTY, TENNESSEE

MATTHEW T. RYMER,

Plaintiff,

Vs.

DOCKET NO. 08-v-016
JURY DEMANDED

KELLY SWAFFORD PICKLE and
SURGERY CENTER OF CLEVELAND, LLC,

Defendants.

COMPLAINT

Comes the Plaintiff by and through counsel and would show unto this Honorable Court the following to wit:

1. Plaintiff is a citizen and resident of Polk County, Tennessee.
2. Defendant Kelly Swafford Pickle is a citizen and resident of Polk County, Tennessee.
3. Defendant Surgery Center of Cleveland, LLC is licensed and currently doing business in Bradley County, Tennessee.
4. Plaintiff would show that the acts complained of herein occurred in Bradley County, Tennessee.
5. Plaintiff would show that on or about August 3, 2006, he had surgery that was performed at the Surgery Center of Cleveland, LLC.
6. On or about August 3, 2006, Defendant, Kelly Swafford Pickle, was an employee of the Surgery Center of Cleveland, LLC.
7. On or about August 3, 2006, Defendant, Kelly Swafford Pickle, entered the recovery room where Plaintiff was unconscious and recovering from his recent surgery. Plaintiff would show that while in his unconscious

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state Defendant Kelly Swafford Pickle intentionally painted each of his toe nails with a black marker.

8. Plaintiff would show that when he awoke from his surgery, he noticed that his toe nails were discolored and were black. Plaintiff would show that was when he noticed that his toe nails had been painted black.
9. Plaintiff would show that upon inquiry, he was informed by Defendant Kelly Swafford Pickle that she had in fact colored Plaintiff's toe nails with a black marker.
10. Plaintiff would further show that on or about January 12, 2007, when he was being transported to an appointment with a doctor for a colonoscopy, Plaintiff became enraged and told his mother that he was not going to the doctor because he was fearful of what might be done to him while under anesthesia and told his mother to turn around and take him home or he would jump out of the vehicle.
11. Upon questioning of the Plaintiff by his mother, Plaintiff admitted that he was scared of what might happen to him while under anesthesia because of his prior experience at the Surgery Center of Cleveland.
12. Subsequently, Plaintiff sought counseling for his fears, emotional distress and phobia at the Daystar Counseling Center in Athens, Tennessee.
13. Plaintiff would show that he has suffered from the intentional battery of Defendant, Kelly Swafford Pickle, while in her capacity as an employee and agent of Defendant Surgery Center of Cleveland, LLC and continues

to be fearful of seeking medical attention which has been previously recommended by Dr. Edwin Shuck.

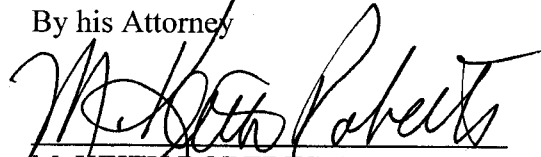
14. Plaintiff would further show that Defendant Surgery Center of Cleveland, LLC is vicariously liable for its agents and/or employees acts and that Defendant Kelly Swafford Pickle committed said acts against Plaintiff during the scope of her employment with Defendant Surgery Center of Cleveland, LLC.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS AS FOLLOWS:

1. That service of process issue against Defendants requiring them to appear and answer the Complaint filed against them herein within the time allowed by law.
2. That Plaintiff be awarded a judgment for his damages in the amount of \$1,000,000.00.
3. That Defendants be assessed with the costs herein.
4. For any and all other more general relief as this Court deems appropriate.

Respectfully submitted,

MATTHEW T. RYMER
By his Attorney


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