

DOCKET NO. HHB-CV22-6072948-S : SUPERIOR COURT
CAROLINE SKUDLAREK, EXECUTOR : J.D. OF NEW BRITAIN
OF THE ESTATE OF ALFONS SKUDLAREK :
HANNELORE SKUDLAREK :
 : AT NEW BRITAIN
DR. JEFFREY GOLDBERG :
PROHEALTH PHYSICIANS, INC. : MARCH 20, 2024

NOTICE OF FILING OF SECOND AMENDED COMPLAINT

Pursuant to Practice Book § 10-44, the Plaintiffs in the above-captioned action hereby give notice that they have filed a second amended complaint in this matter. Said second amended complaint is attached hereto as Exhibit A.

THE PLAINTIFFS,

/s/ 421138
Brennen Maki
Maki Law, LLC
Their Attorneys

CERTIFICATION

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically this 20th day of March, 2024, to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

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Brennen Maki
Commissioner of the Superior Court

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SECOND AMENDED COMPLAINT

Count One: (By the Plaintiff, the Estate of Alfons Skudlarek, as Against the Defendant, Dr. Jeffrey Goldberg)

1. At all times relevant to this complaint the Plaintiff, Dr. Caroline Skudlarek, was and is a resident of Jamestown, Rhode Island.
2. Dr. Caroline Skudlarek is the daughter of Alfons Skudlarek, who died on November 11, 2020. On December 11, 2020, Dr. Caroline Skudlarek was duly appointed the Executor of the Estate of Alfons Skudlarek, and brings this action in said capacity.
3. At all times relevant to this complaint, Alfons Skudlarek was a resident of Bristol, Connecticut.
4. On October 31, 2020, Mr. Skudlarek had an annual physical, including routine bloodwork, with Dr. Goldberg at the Prohealth office at 25 Collins Road, Bristol, Connecticut. Mr. Skudlarek's present and past conditions along with comorbidities were noted in the note, which included an incorrect measurement of the patient's height, which affected his reported BMI.

5. On the evening of November 1, 2020, Mrs. Skudlarek contacted her husband's primary care physician, Dr. Jeffrey Goldberg of ProHealth Physicians, Inc. that he had complaints of fever, chills and difficulty with walking for one day. Mr. Skudlarek was scheduled for a Covid test for the next day November 2, 2020.

6. On November 2, a Covid test was performed on him to determine whether he had contracted SARS-CoV-19. He was required to wait outside in the extreme cold for approximately thirty minutes. All testing performed indicated he was positive for Covid-19.

7. On November 2, 2020, Mr. Skudlarek was 79 years old, and had comorbidities including obesity, hypertension and cardiovascular disease.

8. On November 2, 2020 Mr. Skudlarek was advised that he was positive for SARS-CoV-19 by personnel at ProHealth; despite this, no medication was provided to him, nor was he advised as to what symptoms to watch for to indicate escalated medical care would be warranted. Instead, ProHealth personnel advised him to go home and take over-the-counter medicine to relieve his fever.

9. [Stricken after Request to Revise.]

10. Within hours of testing positive for SARS-CoV-19, Mr. Skudlarek began exhibiting clear signs and symptoms of serious decompensation, including persistent fever of over 103 degrees despite medication, ataxia, neurologic difficulties, problems walking and debilitation so severe he was unable to speak with ProHealth medical personnel via telephone, and instead relied on his wife to relay his condition to them.

11. Mrs. Skudlarek phoned Dr. Goldberg several times on November 2, 2020, due to

Mr. Skudlarek's worsening symptoms without Dr Goldberg calling back. On the evening of November 2, 2020 she again called Prohealth and at that time, she informed the on-call nurse that Mr. Skudlarek was suffering from a persistent fever of approximately 103 degrees, was having difficulty walking, and was debilitated to the point that he could not speak with the nurse by phone.

12. Mrs. Skudlarek specifically requested of the on-call nurse that Dr. Goldberg call her to discuss her husband's condition and/or that medication be provided to her husband, and was promised that a phone call would be made to her by the doctor the following day. Despite this promise, neither Dr. Goldberg nor anyone from ProHealth contacted her.

13. Later in the evening on November 2, 2020 the Dr. Skudlarek phoned ProHealth and spoke with the on-call nurse. As a practicing physician herself, Plaintiff noted that given Mr. Skudlarek's age and comorbidities his persistent fever of 103 degrees alone was clinically significant, requested medication for her father, and further requested Dr. Goldberg contact the family to discuss his care and escalation of care to an emergency room. Dr. Skudlarek was also told that Dr. Goldberg would call her in the morning to address her father's condition. Like Mrs. Skudlarek, Dr. Skudlarek never received a phone call from any doctor or medical professional from ProHealth as had been promised.

14. On November 3, 2020, having received no callback, Mrs. Skudlarek attempted to contact ProHealth again about her husband's condition, but no one was answering the office phone. At one point, she reached someone who told her that "she was on the list for a phone call," but no one called. Hours later, in desperation, Mrs. Skudlarek began trying random extensions in

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