

IN THE CIRCUIT COURT OF THE 11th  
JUDICIAL CIRCUIT, IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.:

GERALD TEPLER, as Proposed Personal  
Representative of the ESTATE of JOANNE  
TEPLER, deceased,

Plaintiff,

v.

ELIZABETH ETKIN-KRAMER, M.D.,  
ELIZABETH ETKIN-KRAMER, M.D., LLC,  
CARRIE J.W. HORST, D.O. and  
DIAGNOSTIC CENTER FOR WOMEN,  
LLC,

Defendants.

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**COMPLAINT**

The Plaintiff GERALD TEPLER, as Proposed Personal Representative of the ESTATE of JOANNE TEPLER, deceased, sues the Defendants, ELIZABETH ETKIN-KRAMER, M.D., ELIZABETH ETKIN-KRAMER, M.D., LLC, CARRIE J.W. HORST, D.O. and DIAGNOSTIC CENTER FOR WOMEN, LLC, and alleges as follows:

1. This is a medical negligence case in which the damages at issue are more than Thirty Thousand (\$30,000.00) Dollars exclusive of costs, interest and attorney's fees.
2. At all times material hereto, Joanne Tepler and Gerald Tepler were residents of Miami-Dade County, Florida.
4. Defendant ELIZABETH ETKIN-KRAMER, M.D. (hereinafter "Defendant ETKIN-KRAMER") is a Gynecologist and at all relevant times was practicing her specialty in

Miami-Dade County, Florida as the principal and/or agent and/or employee of the Defendant, ELIZABETH ETKIN-KRAMER, M.D., LLC.

5. At all times material hereto, the Defendant, ELIZABETH ETKIN-KRAMER, M.D., LLC., (hereinafter “Defendant KRAMER LLC”), was and is a Florida limited liability company doing business in Miami-Dade County, Florida as a medical service provider.

5. Defendant CARRIE J.W. HORST, D.O. (hereinafter “Defendant HORST”) is a radiologist and at all relevant times was practicing her specialty in Miami-Dade County, Florida as an agent and/or employee of the Defendant, DIAGNOSTIC CENTER FOR WOMEN, LLC.

6. At all times material hereto, the Defendant, DIAGNOSTIC CENTER FOR WOMEN, LLC, (hereinafter “Defendant DIAGNOSTIC CENTER”), was and is a Florida limited liability company doing business in Miami-Dade County, Florida as a medical service provider.

6. Plaintiff has complied with all requirements of Fla. Stat. § 766, et seq. and all conditions precedent to the bringing of this action.

7. Counsel for Plaintiff hereby certifies that a reasonable investigation has been undertaken in connection with this case and said investigation has given rise to a good faith belief that grounds exist for an action against the defendants.

### **FACTS**

8. From November 6, 2017, through July 22, 2019, Joanne Tepler was under the care of Defendant ETKIN-KRAMER as her Gynecologist at Defendant KRAMER LLC.

9. During the aforementioned time period Defendant ETKIN-KRAMER identified Mrs. Tepler as a high risk for Uterine Cancer.

10. Despite Mrs. Tepler’s high risk for uterine cancer, Defendant ETKIN-KRAMER treated her on an as needed, P.R.N. basis.

11. During that forementioned time period, Mrs. Tepler underwent pelvic ultrasounds taken at Defendant DIAGNOSTIC CENTER.

12. On February 12, 2018, Mrs. Tepler underwent a pelvic ultrasound at Defendant DIAGNOSTIC CENTER that was interpreted by Defendant HORST.

13. During the aforementioned time period, Mrs. Tepler had endometrial cancer that was not diagnosed.

14. On April 17, 2020, Mrs. Tepler was hospitalized at Mt. Sinai Hospital where it was discovered that she was suffering from metastatic uterine cancer which had metastasized to the spine causing metastatic cancerous tumors to grow in her spine which required emergency surgery. She was further diagnosed with Stage IV uterine cancer and has a poor prognosis.

15. Mrs. Tepler died from complications caused by her uterine cancer on October 17, 2020.

**COUNT I – NEGLIGENCE**  
**DEFENDANT ELIZABETH ETKIN-KRAMER, M.D.**

16. Plaintiff realleges the allegations in paragraphs (1) through (15) and further alleges as follows:

17. Defendant ETKIN-KRAMER had a duty to provide competent and appropriate medical care and treatment to Joanne Tepler.

18. Defendant ETKIN-KRAMER breached that duty, was negligent and fell below the applicable standard of care in the following respects:

- (a) Failing to schedule a follow up appointment after the visit and ultrasound results of November 15, 2017;
- (b) Failing to properly inform the patient on November 15, 2017, of the risk of cancer in her reproductive system;
- (c) Failing to schedule her on November 15, 2017, forthwith for a

D&C in the Operating Room;

- (d) In discharging the patient from her care on November 15, 2017, and noting that the patient is to follow up PRN;
- (e) In failing to follow up with the patient after the November 15, 2017, to ascertain status;
- (f) In failing to review the 2/12/2018 Pelvic Transvaginal Ultrasound report;
- (g) In failing to contact the patient after obtaining the Pelvic Transvaginal Ultrasound report;
- (h) In failing to schedule a D&C in an operating room in February 2018 after the Pelvic Transvaginal Ultrasound;
- (i) In failing to properly follow the patient after February 2018;
- (j) In failing to note that the patient was given a prescription for pelvic imaging;
- (k) In failing to appreciate the patient's history when she was seen again on July 22, 2019;
- (l) In scheduling a follow up appointment in one year on July 22, 2019, with the history that this patient had with Defendant.

19. The actions and omissions of the Defendant ETKIN-KRAMER described in paragraph (18) above, were negligent and below the standard of care set forth in Fla. Stat. §766.102, i.e., below that level of care, skill and treatment which in light of all relevant circumstances, was considered appropriate by reasonably careful gynecologists under same or similar circumstances.

20. As a direct and proximate result of those acts and omissions, Joanne Tepler died and Plaintiff GERALD TEPLER suffered the damages described more fully below.

### **COUNT II – NEGLIGENCE**

**DEFENDANT CARRIE J.W. HORST, D.O.**

21. Plaintiff realleges the allegations in paragraphs (1) through (15) and further alleges as follows:

22. Defendant HORST had a duty to provide competent and appropriate medical care and treatment to Joanne Tepler.

23. Defendant HORST breached that duty, was negligent and fell below the applicable standard of care in the following respects:

- (a) Failing to timely and properly apprise the physician who ordered the Pelvic Ultrasound of the results of said Ultrasound;
- (b) Failing to timely and properly inform the patient of the results of the Pelvic Ultrasound;
- (c) Failing to review the 2/12/2018 Pelvic Transvaginal Ultrasound in a timely manner;
- (d) In failing to properly follow the patient after February 2018;
- (e) In failing to note the significance of the patient's condition in the prescription for the Pelvic Transvaginal Ultrasound;
- (f) In failing to appreciate the patient's history when she was seen for a Pelvic Ultrasound;

24. The actions and omissions of the Defendant HORST described in paragraph (23) above, were negligent and below the standard of care set forth in Fla. Stat. §766.102, i.e., below that level of care, skill and treatment which in light of all relevant circumstances, was considered appropriate by reasonably careful radiologists under same or similar circumstances.

25. As a direct and proximate result of those acts and omissions, Joanne Tepler died and Plaintiff GERALD TEPLER suffered the damages described more fully below.

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