

TOSHA WHARTON and JONATHAN  
WHARTON, her husband

Plaintiff

vs.

GUIRIBITEY COSMETIC & BEAUTY  
INSTITUTE, INC. d/b/a CG COSMETIC  
SURGERY, ALFRED SOFER, M.D., and  
ALFRED SOFER MD CORP

Defendants

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### **COMPLAINT FOR DAMAGES**

Plaintiffs, TOSHA WHARTON and JONATHAN WHARTON, her husband  
sue the Defendants, GUIRIBITEY COSMETIC & BEAUTY INSTITUTE, INC. d/b/a CG  
COSMETIC SURGERY, ALFRED SOFER, M.D. and ALFRED SOFER MD CORP and  
allege as follows:

### **GENERAL ALLEGATIONS**

1. This is an action for personal injuries and damages in excess of Thirty  
Thousand (\$30,000.00) Dollars and within the Court's jurisdiction.
2. At all times material the Plaintiff, TOSHA WHARTON was and is sui juris  
and at all times material her spouse JONATHAN WHARTON was and is  
sui juris. They were and are legally married at all times material.

of the Defendants herein.

4. Plaintiffs' counsel has conducted a review of the facts of the underlying cause of this action and affirms that there is a good faith reasonable basis for bringing this action against each of the Defendants.
5. On or about March 12, 2019 Plaintiff TOSHA WHARTON underwent surgery by Alfred Sofer, M.D. who performed a mastopexy with silicone breast implants and abdominoplasty with liposuction. The surgery was performed at the Defendant GUIRIBITEY COSMETIC & BEAUTY INSTITUTE, INC. d/b/a CG COSMETIC SURGERY (hereinafter referred to as CG COSMETIC SURGERY).
6. TOSHA WHARTON presented to CG COSMETIC SURGERY twice for follow-up evaluation and care post operatively.

### **COUNT I**

#### **AS AND FOR A CAUSE OF ACTION AGAINST THE DEFENDANT CG COSMETIC SURGERY**

7. The Plaintiff repeats and realleges those allegations set forth in the General Allegations paragraphs 1 through 6
8. At all times material the Defendant, GUIRIBITEY COSMETIC & BEAUTY INSTITUTE, INC. d/b/a CG COSMETIC SURGERY was and is a

post operatively.

10. At all times material the Defendant CG COSMETIC SURGERY owed TOSHA WHARTON the duty of providing appropriate care and surgical follow-up in accordance with the accepted standard of care for similar health care providers in Miami-Dade County, Florida and other large cities. The Defendant employed nurses, physician's assistants, nurse practitioners and other health care providers to meet the aforementioned duty.
11. The Defendant's duty to provide appropriate care to the Plaintiff is a non-delegable duty. Defendant has vicarious liability for the negligent acts and omissions of its employees, agents, independent contractors and apparent agents with reference to the care provided to TOSHA WHARTON
12. TOSHA WHARTON developed serious post-surgical complications including wounds, infection, loss of circulation and other problems. She conveyed the details of these problems to the Defendant through repeated communications via live visits, phone conversations, electronic communications, emails and photographs.
13. The Defendant breached its duty and through its agents and employees negligently failed to provide appropriate care by:

- her post-operative complications;
- d. Failing to provide follow-up care or to assist the Plaintiff in obtaining proper follow-up care;
  - e. Failing to provide or secure proper treatment for her post-operative complications;
  - f. By being otherwise negligent.
14. As a direct and proximate result of the aforementioned negligence, Plaintiff developed permanent and significant scarring and disfigurement, loss of circulation, infection, loss of her nipple and areola. She sustained the costs of medical care, pain and suffering, aggravation of pre-existing conditions, loss of capacity to enjoy life in the past and in the future. She underwent additional surgeries to her wounds. She sustained loss of income and loss of ability to earn money in the future. Her injuries are ongoing and permanent and she will continue to sustain such damages in the future.
15. As a direct and proximate result of the aforementioned negligence of the Defendant, TOSHA WHARTON'S husband JONATHAN WHARTON sustained the loss of his wife's support, companionship, consortium and will continue to do so in the future.

pleadings should be invoked.

WHEREFORE Plaintiffs request judgment in their favor for damages and costs and request trial by jury.

**COUNT II**

**AS AND FOR A CAUSE OF ACTION AGAINST THE  
DEFENDANT ALFRED SOFER, M.D., AND  
ALFRED SOFER MD CORP**

17. Plaintiffs reallege those allegations set forth in paragraphs 1 through 6 of the General Allegations.
18. At all times material the Defendant ALFRED SOFER, M.D. was and is a medical doctor licensed to practice medicine in the State of Florida and practicing as a Plastic Surgeon in Miami Dade County, Florida.
19. At all times material DR. SOFER practiced as a principal and or employee of ALFRED SOFER MD CORP a Florida corporation. As such the corporation is vicariously responsible for DR. SOFER'S negligence.
20. After her surgery on or about March 12, 2019, Plaintiff TOSHA WHARTON suffered serious complications.
21. At all times material the Defendant ALFRED SOFER, M.D. owed the Plaintiff TOSHA WHARTON the duty of providing appropriate medical care and supervision in accordance with the accepted standard of care for

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