

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

**MICHAEL A. ZIMMER**, as Trustee for )  
the Next of Kin of **PRINCE ROGERS** )  
**NELSON**, Deceased )  
88 South 10<sup>th</sup> Street, Suite 300 )  
Minneapolis, Minnesota 55403 )

Plaintiff, )

vs. )

**TRINITY MEDICAL CENTER, INC.** )  
c/o Steven J. Gross, Statutory Agent )  
2701 17<sup>th</sup> Street )  
Rock Island, IL 61201 )

and )

**TRINITY REGIONAL HEALTH** )  
**SYSTEM, INC.** )  
c/o Tamara Byram, Statutory Agent )  
2701 17<sup>th</sup> Street )  
Rock Island, IL 61201 )

and )

**IOWA HEALTH SYSTEM, d/b/a** )  
**UNITYPOINT HEALTH** )  
1776 W Lakes Parkway, Suite 400 )  
West Des Moines, IA 50266 )

and )

**NICOLE F. MANCHA, M.D.** )  
2758 Julie Lane Court )  
Davenport, IA 52807 )

and )

**JANE DOE 1, R.Ph.,** )  
Employee of Trinity Medical Center, )  
Inc. )  
c/o Steven J. Gross, Statutory Agent )  
2701 17<sup>th</sup> Street )

CASE NO.

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Rock Island, IL 61201 )  
 )  
and )  
 )  
**WALGREEN PHARMACY, STORE** )  
**#9511** )  
7845 Portland Ave. South )  
Bloomington, MN 55420 )  
 )  
and )  
 )  
**WALGREEN PHARMACY, STORE** )  
**#13853** )  
4950 County Road 101 )  
Minnetonka, MN 55345 )  
 )  
and )  
 )  
**WALGREEN COMPANY** )  
c/o Illinois Corporation Service C, )  
Statutory Agent )  
801 Adlai Stevenson Drive )  
Springfield, IL 62703 )  
 )  
and )  
 )  
**JANE DOE NOS. 2-6, R.Ph.** )  
Employees of Walgreens Pharmacies )  
 )

Defendants.

**PLAINTIFF'S COMPLAINT**

NOW COMES plaintiff MICHAEL A. ZIMMER (Plaintiff), as Trustee of the Next for the Kin of PRINCE ROGERS NELSON, Deceased, by and through his attorneys, LOUCAS LAW, LPA; SCHWEBEL, GOETZ, & SIEBEN; and STOTIS & BAIRD CHARTERED, and hereby complains of defendants TRINITY MEDICAL CENTER, an Illinois Corporation; TRINITY REGIONAL HEALTH SYSTEM, INC., an Illinois Corporation; IOWA HEALTH SYSTEM, d/b/a UNITYPOINT HEALTH, an Iowa Corporation; NICOLE F. MANCHA, M.D. and JANE DOE, R.Ph.; WALGREEN

PHARMACY, STORE # 9511; WALGREEN PHARMACY, STORE # 13853; WALGREEN COMPANY, an Illinois Corporation; and JANE DOE, R.Ph., NOS. 2-6, employees of Walgreens Pharmacies as follows:

**Count I – Wrongful Death v. Trinity Medical Center, Trinity Regional Health System, Inc., Iowa Health System, d/b/a Unitypoint Health, Nicole F. Mancha, M.D., and Jane Doe, R.Ph.**

1. That for some period prior to April 21, 2016, defendant TRINITY MEDICAL CENTER, was a health care provider with its principal place of business in Illinois.

2. That for some period prior to April 21, 2016, defendant TRINITY REGIONAL HEALTH SYSTEM, INC., was a health care provider with its principal place of business in Illinois.

3. That for some period prior to April 21, 2016, defendant IOWA HEALTH SYSTEM, d/b/a UNITYPOINT HEALTH, was a health care provider with its principal place of business in Iowa and providing care to the Plaintiff's decedent in Illinois as the parent company of defendant TRINITY MEDICAL CENTER. All Defendants named in Paragraphs 1 through 3 herein shall hereafter be referred to as "Trinity Defendants".

4. That for some period prior to April 21, 2016, defendant NICOLE F. MANCHA, M.D. was an emergency medicine physician employed by one or more of the Trinity Defendants.

5. That on or about April 15, 2016, PRINCE ROGERS NELSON (hereinafter referred to as "Prince") was taken by Moline Fire Department Emergency Medical Services to the emergency department of Trinity Defendants.

6. That on or about April 15, 2016, defendants NICOLE F. MANCHA, M.D. and JANE DOE 1, R.Ph., acting within the course and scope of their employment, provided

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medical and pharmacy services, respectively, as employees, agents, and/or apparent agents of the Trinity Defendants to Plaintiff's decedent, Prince.

7. JANE DOE 1, R.Ph., whose identity is unknown at present despite due diligence in determining same, was a pharmacist and/or pharmacy employee that consulted in the medical and pharmacy care provided to Prince.

8. That at all times material hereto, it was the duty of Trinity Defendants, defendants NICOLE F. MANCHA, M.D., and JANE DOE 1, R.Ph. to use the degree of care and skill of reasonably careful physicians and/or pharmacists under circumstances similar to those present.

9. That notwithstanding said duty, Trinity Defendants, defendants NICOLE F. MANCHA, and/or JANE DOE 1, R.Ph. committed one or more of the following deviations from the standard of care:

- a. Failed to timely and appropriately diagnose and treat opiate overdose;
- b. Failed to provide timely and appropriate counseling for opiate overdose;
- c. Failed to timely and appropriately investigate the cause of opiate overdose;

10. That as a direct and proximate cause of one or more of the foregoing deviations from the standard of care, Prince died on or about April 21, 2012.

11. That the decedent was survived by his next of kin, who were dependent upon him for support, society and companionship, and have been damaged as a consequence of the decedent's death.

12. That the Plaintiff was appointed by order of the District Court for the First Judicial District of Minnesota by Judge Kevin Eide on June 20, 2017, to pursue any claims

for wrongful death which may have arisen because of the death of Prince Rogers Nelson on April 21, 2016 (The order of June 20, 2017, is attached as Ex. A).

13. That the Plaintiff attaches hereto the affidavit and request for a ninety (90) day extension as required by Section 2-622 of the Code of Civil Procedure.

WHEREFORE, plaintiff MICHAEL A. ZIMMER, as Trustee for the Next of Kin of Prince Rogers Nelson, Deceased, demands judgment against the Trinity Defendants, defendants NICOLE F. MANCHA, M.D. and JANE DOE 1, R.Ph. in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, together with the costs of this suit.

**Count II – Wrongful Death v. Walgreen Stores #9511, #13853, Walgreen Company and Jane Doe, Nos. 2-6, R.Ph.**

1. That for some time prior to April 21, 2016, defendant WALGREEN STORE #9511 was a retail pharmacy doing business in Bloomington, Minnesota.

2. That for some time prior to April 21, 2016, defendant WALGREEN STORE #13853 was a retail pharmacy doing business in Minnetonka, Minnesota.

3. That for some time prior to April 21, 2016, defendant WALGREEN COMPANY was a pharmacy provider with its principal place of business in Deerfield, Illinois. All defendants named in Paragraphs 1 through 3 herein shall hereafter be referred to as "Defendant Walgreens".

4. JANE DOE NOS. 2-6, R.Ph., whose identities are unknown at present despite due diligence in determining same, were pharmacists and/or pharmacy employees, acting at all times relevant herein within the course and scope of their employment, that consulted in the medical and pharmacy care provided to Prince.

5. That on April 14, 2016, and potentially before, WALGREEN STORE #9511 provided pharmacy care by dispensing narcotic prescription medications to Plaintiff's decedent, Prince.

6. That on April 20, 2016, and potentially before, WALGREEN STORE #13853 provided pharmacy care by dispensing prescription medications to Plaintiff's decedent, Prince.

7. That at all times material hereto, it was the duty of defendant Walgreens and JANE DOE NOS. 2-6, through their employees, agents, pharmacists and/or technicians, to use that degree of care and skill used by reasonably careful pharmacy care providers under circumstances similar to those present.

8. That notwithstanding said duty, defendant Walgreens and JANE DOE, NOS. 2-6 committed one or more deviations from the standard of care, including, but not limited to dispensing prescription medications not valid for a legitimate medical purpose and failing to conduct appropriate drug utilization review.

9. That as a direct and proximate cause of one or more of the foregoing deviations from the standard of care, Prince died on or about April 21, 2016.

10. That the decedent was survived by his next-of-kin who were dependent upon him for support, society, and companionship, and has been damaged as a consequence of the decedent's death.

11. That the Plaintiff was appointed by order of the District Court for the First Judicial District of Minnesota by Judge Kevin Eide on June 20, 2017, to pursue any claims for wrongful death which may have arisen because of the death of Prince Rogers Nelson on April 21, 2016 (The order of June 20, 2017, is attached as Ex. A).

WHEREFORE, plaintiff MICHAEL A. ZIMMER, as Trustee for the Next of Kin of Prince Rogers Nelson, Deceased, demands judgment against Defendants Walgreens in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, together with the costs of this suit.

**COUNT III – Survivorship v. Trinity Medical Center, Inc.; Trinity Regional Health System, Inc.; Iowa Health System, d/b/a Unitypoint Health; Nicole F. Mancha, M.D.; Jane Doe 1, R.Ph.; Walgreen Stores #9511, #13853, Walgreen Company; and Jane Doe, Nos. 2-6, R.Ph.**

1. That for some time prior to April 21, 2016, Defendants, jointly and/or severally, and their agents and/or employees failed in their duty to exercise reasonable care, failed to follow applicable Illinois and Minnesota law and federal regulations and/or breached the standards of care owed to Prince as specifically set forth above and as fully rewritten herein.

2. As a direct and proximate result of Defendants' negligent acts and/or omissions individually and/or severally, by and through their employees and/or agents, Prince incurred conscious, emotional pain, suffering, significant bodily injury, lost wages, loss of employment, and other such damages.

3. As a direct and proximate result of Defendants' negligence, individually and/or jointly and/or through their agents and/or employees, Prince incurred medical and other related expenses.

WHEREFORE, plaintiff MICHAEL A. ZIMMER, as Trustee for the Next of Kin of Prince Rogers Nelson, Deceased, demands judgment against Defendants in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, together with the costs of this suit.

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Respectfully submitted,

STOTIS & BAIRD CHARTERED



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## General Information

<b>Court</b>	Illinois Circuit Court, Cook County, Law Division
<b>Docket Number</b>	2018-L-004068
<b>Status</b>	OPEN