

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO.:

DONALD PELTON,

Plaintiff,

vs.

US STEM CELL CLINIC LLC, a Florida  
limited liability company; US STEM  
CELL CLINIC LLC, a Florida limited  
liability company, d/b/a  
REGENERATIVE WELLNESS CLINIC;  
ANTONIO E. BLANCO, M.D.;  
ANTONIO E. BLANCO, M.D., P.A.; and  
MICHELLE PARLO

Defendants.

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**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

Plaintiff, DONALD PELTON, herein sues Defendants: US STEM CELL CLINIC, LLC; US STEM CELL CLINIC LLC d/b/a REGENERATIVE WELLNESS CLINIC; ANTONIO BLANCO, M.D.; ANTONIO E. BLANCO, M.D., P.A.; and MICHELLE PARLO. In support of this lawsuit, Plaintiff alleges:

**Parties, Jurisdiction, and Venue**

1. This action presents a claim for damages in excess of this Court's minimal jurisdictional limits of Fifty Thousand Dollars (\$50,000.00), exclusive of interest and costs. Moreover, prior to filing this lawsuit Plaintiff complied with all Florida statutes, laws, pre-suit conditions, and notices of intent applicable to medical malpractice actions. All conditions have been properly met and/or have been waived. In addition thereto, venue

is proper in this case as the claims involved in this lawsuit all arose out of facts and circumstances occurring in Broward County, Florida, and Defendants are domiciled, reside, and/or work therein.

2. Plaintiff, Donald Pelton (“Don Pelton” or “Mr. Pelton”), was and is a resident of Miami-Dade County, Florida, and is otherwise *sui juris*.

3. At all times material to this action, Defendant, US Stem Cell Clinic LLC (“US Stem Cell Clinic”) was and is a Florida limited liability company with its offices located in Broward County, Florida.

4. At all times material to this action, Defendant, US Stem Cell Clinic LLC d/b/a Regenerative Wellness Clinic (“US Stem Cell/Regenerative”) was and is a Florida limited liability company doing business under the fictitious name of Regenerative Wellness Clinic, owned by US Stem Cell Clinic LLC, with its offices located in Broward County, Florida.

5. At all times material, these Defendants provided care and treatment to the public and, with respect to the facts of this case, cared and treated Don Pelton. US Stem Cell Clinic and/or US Stem Cell/Regenerative performed services for Mr. Pelton by and through its doctors, physician assistants, nursing staff, and other health care professionals.

6. At all times material to this action, Defendants US Stem Cell Clinic and/or US Stem Cell/Regenerative had the right to control its doctors and nursing staff, including Dr. Blanco and Physician Assistant Parlo.

7. At all times material to this action, Antonio E. Blanco, M.D., individually (“Dr. Blanco”), practices/practiced medicine in Broward County, Florida, and worked through and/or in conjunction with the US Stem Cell Clinic and/or US Stem Cell/Regenerative.

8. At all times material, Dr. Blanco held himself out to the public as a medical doctor who performed stem cell treatments. Dr. Blanco was an employee/agent and/or other representative of US Stem Cell Clinic and at all times material provided care and treatment to Plaintiff, Mr. Pelton, performing such medical services both individually and as a member of the US Stem Cell Clinic and/or US Stem Cell/Regenerative.

9. At all times material to this action, Antonio E. Blanco, M.D., P.A. (“Blanco P.A.” or “Dr. Blanco PA”) was and is a Florida corporation that is owned by and/or employs Dr. Blanco, who worked through and/or in conjunction with the US Stem Cell Clinic and/or US Stem Cell/Regenerative.

10. At all times material to this action, Defendant, Michelle Parlo (“Parlo” or “PA Parlo”) was a physician’s assistant providing health care services and provided medical services and attention to Plaintiff Pelton at the US Stem Cell Clinic and/or US Stem Cell/Regenerative, under the supervision of their doctors, which included Dr. Blanco and/or Blanco P.A.

11. Jurisdiction of this lawsuit is properly vested in Broward County, Florida, since the amount in controversy exceeds the minimal jurisdictional limits; Defendants all reside or do business in Broward County, Florida; and/or the allegations of wrongful conduct – medical negligence – all occurred in Broward County, Florida.

**Facts Applicable to the Case**

12. Don Pelton was a long-term patient of US Stem Cell Clinic and/or US Stem Cell/Regenerative, originally receiving stem cell therapy in 2015.

13. Dr. Blanco had harvested stem cells from Mr. Pelton's umbilicus region; the stem cells were cryo-frozen and stored for later use.

14. From time to time after the stem cells were harvested, Don Pelton received stem cell treatment from US Stem Cell Clinic, US Stem Cell/Regenerative, Dr. Blanco, Dr. Blanco P.A., and PA Parlo. All of the treatments received were provided by the services of US Stem Cell Clinic, US Stem Cell/Regenerative, Dr. Blanco, Blanco P.A., and Physician Assistant Michelle Parlo.

15. On February 5, 2021, Mr. Pelton received stem cell therapy through the care, treatment, medical oversight or other professional medical management of US Stem Cell Clinic, US Stem Cell/Regenerative, Dr. Blanco, Blanco P.A., and Physician Assistant Michelle Parlo. Specifically, Don Pelton received stem cell therapy, including an IV dose of stem cells injected/infused into his left shoulder and left antecubital fossa by PA Parlo.

16. Prior to the stem cell therapy being administered, Mr. Pelton showed signs of swelling, inflammation and redness in his left upper extremity. These signs were present when Don Pelton was initially seen at the clinic on February 5, 2021. Given the then existing swelling, inflammation and redness in Don Pelton's left arm, the stem cell therapy should not have been provided.

17. Nonetheless, and despite these signs being present, Defendants, contrary to normal, reasonable and customary medical protocols, standards and criteria, went

ahead and administered and/or allowed to be administered the stem cell therapy to Don Pelton's left shoulder and left antecubital fossa and arm.

18. Not surprisingly, almost immediately following the stem cell therapy's administration, Don Pelton began experiencing significant pain and he showed signs of swelling and blistering in his left arm at and around the site of the injection. As time progressed, Mr. Pelton's symptoms became progressively worse, and included significant pain and clear signs of severe blistering at and around the injection site.

19. The very next day, February 6, 2021, Mr. Pelton was required to go Homestead Hospital for the ongoing medical problems occurring as a result of the stem therapy treatments.

20. At the hospital, Mr. Pelton's condition was diagnosed as a severe skin infection and he was admitted to the hospital for further work-up, care and treatment.

21. After medical work-up at the hospital, Mr. Pelton was diagnosed with severe left arm antecubital fossa Cellulitis caused by the recent stem cell administration at US Stem Cell and/or US Stem Cell/Regenerative's clinic.

22. On February 8, 2021, Mr. Pelton was transferred from Homestead Hospital to Doctors Hospital for further care and treatment.

23. At Doctors Hospital, Mr. Pelton's left arm was diagnosed as having a severe ongoing infection, which by then had resulted in pitting edema, continuing blistering and necrotizing fasciitis. He also continued with severe pain. His diagnosis was again confirmed as severe Cellulitis.

24. Mr. Pelton then underwent significant and continuing IV antibiotic therapy and multiple testing, including a left arm MRI. The MRI revealed that Mr. Pelton was

suffering from extensive severe Cellulitis and Myositis of the subscapularis and biceps muscles. Additionally, an abscess in the biceps was found to have occurred that included a large (20 cm) tract of fluid extending all the way to the elbow. Mr. Pelton also was found to have present enlarged lymph nodes in his left axilla.

25. As Mr. Pelton's hospitalization continued, he was required to see multiple specialists, including Dr. Cardoso, a noted hand specialist, who performed surgery and was required to drain the ongoing infection. Mr. Pelton was found to have developed upper arm purulence, with the finding that the abscess started in the left antecubital fossa – exactly where the injection of stem cells occurred – and tracked up to the biceps into the shoulder girdle.

26. Dr. Cardoso irrigated the arm and further treated the infection. Mr. Pelton was discharged on February 11, 2021, with a right arm peripherally inserted central catheter (PICC line) for intravenous antibiotics at home.

27. Unfortunately, Mr. Pelton's medical conditions related to the negligent administration of stem cell therapy did not improve and on March 3, 2021, Don Pelton was again required to return to Dr. Cardoso's office.

28. At that time Mr. Pelton was suffering from worsening pain, continued significant swelling, and red inflammation to his left arm.

29. Following examination, Dr. Cardoso noted the continuing presence of the abscess and instructed Mr. Pelton that he would need be admitted again to the hospital for immediate urgent care treatment for what was being described as a continuing "raging infection at the site where the stem cell therapy had been administered."

30. Upon reporting to Doctors Hospital, Mr. Pelton was again admitted and brought to the operating room. Additional surgery was required.

31. During this hospitalization, Dr. Cardoso again found that the abscess extended to the biceps/brachialis region – precisely the area where Don Pelton had received the stem cell treatment. Dr. Cardoso also documented abundant necrotic adipose, which was surgically removed and vancomycin beads placed at the surgical area.

32. On March 4, 2021, while still at Doctors Hospital, Dr. Rodriguez, an infectious disease specialist, evaluated Mr. Pelton and recommended that a new PICC line be placed and that Mr. Pelton be given another four (4) weeks of additional intravenous antibiotic treatment.

33. As time continued, and despite active medical attention, Mr. Pelton still complained of significant pain to his left arm. As such, on April 16, 2021, Mr. Pelton was again examined by Dr. Cardoso, who noted acute swelling to Don's arm and he again ordered Mr. Pelton to Doctors Hospital for admission and urgent care.

34. The next day, April 17, 2021, Mr. Pelton underwent yet another surgery to treat the ongoing infection. During this surgery, Dr. Cardoso again noted the development of purulence and now noted necrotic muscle in the left bicep region of Don Pelton's arm and all related to the infection caused by the improper administration of the stem cell therapy. Dr. Cardoso was required to surgically remove the necrotic muscle in Don's arm at the left biceps region where the injection had occurred.

35. Thereafter, on June 14, 2021, Mr. Pelton again was required to see Dr. Cardoso as his arm continued to swell and he experienced pain extending from his left arm through his shoulder.

36. Dr. Cardoso ordered another MRI, which revealed septic arthritis of the shoulder with a possible focus of osteomyelitis in the glenoid cavity. Again, an abscess had developed in the subdeltoid area as well as Myositis of the deltoid muscle and distal pectoralis major and minor. Cellulitis was again present in the left shoulder girdle.

37. On July 15, 2021, Dr. Cardoso noted redness, swelling, and pain to Mr. Pelton's left arm.

38. Once again, Don Pelton was admitted to the hospital for acute treatment of the unresolved infection. Once again, Dr. Cardoso brought Mr. Pelton to the operating room and performed yet another surgical procedure, this time including incision and drainage of the subdeltoid abscess and further resection of muscle and other tissue. Once again, Dr. Cardoso encountered purulent pockets and necrotic tissue, all of which required surgical excision. Once again, Dr. Cardoso provided additional antibiotic therapy, including the utilization of antibiotic beads.

39. As a consequence of the improper and negligent administration of the stem cell injection and IV therapy by the Defendants, Mr. Pelton underwent four surgeries, had multiple infections, was admitted to the hospital multiple times, was required to pursue and undergo extensive care and treatment both in-patient and out-patient, and has been left with significant disabilities to his left arm.



40. The medical negligence of the Defendants occurring by way of the improper stem cell treatment resulted in serious and permanent injuries to Mr. Pelton. As a consequence, Mr. Pelton has suffered significant damages.

41. All statutory conditions precedent to filing this action have been satisfied. Moreover, Defendants herein participated in the pre-suit discovery process, but failed to respond directly to the allegations in the notice of intent letter or deny the claims, and this lawsuit is filed in accordance with the pre-suit requirements applicable to this case.

### **COUNT I**

#### **DIRECT NEGLIGENCE AGAINST US STEM CELL CLINIC LLC**

42. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

43. At all times material US Stem Cell Clinic was open to the public as a facility providing stem cell therapy and it acknowledged it was providing care and treatment through its offices, physicians and other professionals including nurse care practitioners to members of the public, including the Plaintiff, Don Pelton.

44. At all times material US Stem Cell Clinic acknowledged it was a licensed medical facility and was properly licensed to provide stem cell therapies in Florida.

45. At all times material hereto, US Stem Cell Clinic had the duty to use reasonable care with respect to patients, such as Mr. Pelton, in the oversight, administration, and management of stem cell therapies at its facility. Additionally, US Stem Cell Clinic had the duty to use reasonable care so as to not create unreasonable

risks of harm, including infection when patients were receiving treatment at the facility, especially with respect to the administration of stem cell therapy.

46. At all times material hereto, US Stem Cell Clinic also had the duty to use reasonable care in the supervision, training and overseeing of its doctors, nurse health care practitioners, physician assistants and other health care professionals to assure it had in place proper policies, procedures and standards regarding the risks related to patients, such as Don Pelton, who present with signs and symptoms of inflammation and redness at the very site where the stem cell therapy is to be administered.

47. At all times related herein, Don Pelton relied upon US Stem Cell Clinic to use reasonable care in the operation of its facility.

48. At all times related hereto, US Stem Cell Clinic breached its duties of reasonable care and/or foreseeably increased the zone of risk applicable to Don Pelton by one or more of the following acts of commission or omission, any or all which are deviations from acceptable medical care in the South Florida community:

A. Failing to have in place appropriate practices, procedures and standards requiring the review of a patient's then existing medical condition to assure that stem cell therapies would not be administered when a patient presented with obvious signs of inflammation and redness at the very site where the stem cell therapy was to be administered; and/or

B. Failing to have in place appropriate practices, procedures and standards so as to properly treat Don Pelton when he presented for stem cell therapy; and/or

C. Failing to have in place appropriate practices, procedures and standards requiring other diagnostic testing to be performed when a patient such as Don Pelton presented with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and /or

D. Failing to have in place appropriate practices, procedures and standards so as to assure that symptoms, including inflammation and redness at the very site where the stem cell therapy was to be administered received proper diagnosis and treatment prior to any therapy being administered; and/or

E. Failing to have in place appropriate practices, procedures and standards so that its doctors, nurse care practitioners, physician assistants and/or other staff would appreciate that the combination of subjective reports, objective findings, and exam findings existing in patients, such as Mr. Pelton, when such patients present for stem cell therapy with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and/or

F. Failing to have in place appropriate practices, procedures and standards so that Don Pelton would receive immediate emergent medical care and treatment, including physician examination, CBC work up, medication administration, and close medical monitoring, when stem cell therapy results in significant pain, swelling, and blistering at the site of injection immediately after the therapy occurred; and/or

G. Failing to have in place appropriate practices, procedures and standards so as to properly diagnose and/or treat a then-existing emergency

condition experienced by Don Pelton following the stem cell therapy's administration given that the reaction occurred immediately after the treatment was provided and resulted in significant pain, swelling, and blistering at the site of therapy's injection; and/or

H. Failing to properly train, supervise and oversee its professional staff, including its doctors, nurse care practitioners, physician assistants and/or other staff to assure proper care and treatment was provided; and/or

I. Committing negligence in its care and treatment of its patient, Don Pelton, by allowing a systemic infection to be introduced into his body during the stem cell's administration which resulted in serious and permanent injuries; and/or

J. Negligently performing the stem cell therapy when, under all circumstances then existing, such therapy should not have occurred; and/or

K. Negligently administering, via injection, the stem cells; and/or

L. Negligently allowing the inclusion of an infections foreign substance in and/or through the stem cell treatment administered; and/or

M. Negligently allowing the introduction of harmful foreign bodies in the stem cell therapy's process by way of the equipment, syringes or other utensils used in the therapy; and/or

N. Negligently allowing introduction of a toxic foreign substance in the therapy; and/or

O. Negligently allowing the injection and IV therapy to occur when, under all circumstances, such should not have occurred had there been proper supervision, management and/or administration; and/or

P. Negligently utilizing or failing to utilize proper sterilization techniques in the administration of the stem cell therapy; and/or

Q. Failing to properly train, supervise and oversee its professional staff, including its doctors, physician assistants, and nurses to assure proper care and treatment; and/or

R. Otherwise committing negligence in its care and treatment of its patient, Mr. Pelton.

49. At all times related, the Defendant breached its duties of due care and deviated from accepted standards of care for clinics and/or medical facilities in Broward County, Florida, or other similar medical community.

50. At all times related herein, Mr. Pelton relied upon the US Stem Cell Clinic to use reasonable care in the operation of its facility.

51. At all times related, the US Stem Cell Clinic breached its duties of due care and deviated from accepted standards of care for clinics/medical care facilities in Broward County, Florida, or other similar medical community.

52. As a direct and proximate result of the negligence of Defendant, US Stem Cell Clinic, Plaintiff, Mr. Pelton, has in the past and will continue to suffer all legally cognizable damages including the following:

- a. Permanent personal injury within a reasonable degree of medical probability;
- b. Pain and suffering;
- c. Disability;
- d. Significant permanent disfigurement;
- e. Mental anguish;

- f. Loss of capacity for the enjoyment of life;
- g. Loss of earnings;
- h. Loss of earning capacity;
- i. Medical expenses, past and future, for the care and treatment of his injuries; other expenses for care during his convalescence;
- j. Expense of hospitalization; and
- k. Aggravation of a pre-existing injury, if any.

53. The losses are permanent and continuing in nature, and Plaintiff will suffer losses in the future.

WHEREFORE, Plaintiff, Mr. Pelton, demands judgment for damages against this Defendant, US Stem Cell Clinic, including interest, costs, and any other justiciable relief appropriate under law.

**COUNT II**

**ACTUAL AGENCY AGAINST US STEM CLINIC LLC**

54. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

55. At all times material hereto, US Stem Cell Clinic had the right and authority to control the actions of Dr. Blanco and Parlo in the delivery of healthcare to Mr. Pelton at US Stem Cell Clinic.

56. At all times material hereto, US Stem Cell Clinic affirmed and/or represented and/or otherwise indicated that Dr. Blanco and Parlo were employees, actual agents, and/or apparent agents of US Stem Cell Clinic with full privileges to provide all medical care and treatment to patients such as Mr. Pelton.

57. The facts as stated herein resulted in Mr. Pelton's reasonable assumption and belief that Dr. Blanco and Parlo were part of US Stem Cell Clinic's medical personnel and such resulted in Mr. Pelton's decision to undergo medical treatment at US Stem Cell Clinic's facility.

58. The effect of the affirmations and representations made by US Stem Cell Clinic created an actual agency between it and Dr. Blanco and Parlo.

59. Mr. Pelton specifically accept medical care and treatment from Dr. Blanco and Parlo in reliance upon US Stem Cell Clinic's representations that Dr. Blanco and Parlo were employees, agents, and/or apparent agents of US Stem Cell Clinic.

60. In furnishing the medical care and treatment to Mr. Pelton, Dr. Blanco and Parlo, while acting as employees, agents, and/or apparent agents of US Stem Cell Clinic, rendered such care and treatment negligently as set forth in the allegations contained in Count I, at paragraphs 48. A-R above.

61. At all times material hereto, US Stem Cell Clinic and Dr. Blanco and Parlo were negligent and careless, which negligence and carelessness constituted a breach of the prevailing professional standard of care in that it was below that level of care, skill, and treatment, which in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

62. As direct and proximate result of the departures of the standard of care as hereinbefore stated in paragraph 48. A-R, Plaintiff, Mr. Pelton, has in the past and will continue to suffer all legally cognizable damages including the following:

- a. Permanent personal injury within a reasonable degree of medical probability;
- b. Pain and suffering;

- c. Disability;
- d. Significant permanent disfigurement;
- e. Mental anguish;
- f. Loss of capacity for the enjoyment of life;
- g. Loss of earnings;
- h. Loss of earning capacity;
- i. Medical expenses, past and future, for the care and treatment of his injuries; other expenses for care during his convalescence;
- j. Expense of hospitalization; and
- k. Aggravation of a pre-existing injury, if any.

63. The losses are permanent and continuing in nature, and Plaintiff will suffer losses in the future.

WHEREFORE, Plaintiff, Mr. Pelton, demands judgment for damages against this Defendant, US Stem Cell Clinic, including interest, costs, and any other justiciable relief appropriate under law.

### **COUNT III**

#### **APPARENT AGENCY AGAINST US STEM CELL CLINIC LLC**

64. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

65. At all times material hereto, US Stem Cell Clinic provided medical clinic services to patients such as Mr. Pelton who would be seen at US Stem Cell Clinic's facility for medical care and treatment.

66. US Stem Cell Clinic held itself out as a medical stem cell clinic that was capable of providing competent medical care and treatment, and US Stem Cell Clinic



represented to Mr. Pelton that it was fully equipped to meet the medical needs and provide quality medical care to him through its facility and through its physicians, physician assistants, nurses, medical staff, and other health care providers.

67. At all times material hereto, US Stem Cell Clinic affirmed, represented, and/or otherwise indicated that Dr. Blanco and Parlo were employees, agents, and/or apparent agents of US Stem Cell Clinic having full privileges to provide medical care and treatment to any of US Stem Cell Clinic's patients, including Mr. Pelton.

68. The effect of US Stem Cell Clinic's affirmation, representations and other representations gave all appearances and suggested to Mr. Pelton that Dr. Blanco and Parlo were employees, agents, and/or the apparent agents of US Stem Cell Clinic.

69. US Stem Cell Clinic held Dr. Blanco and Parlo to Mr. Pelton as its employees, agents, and/or apparent agents, and Mr. Pelton accepted care, treatment, and recommendations from Dr. Blanco and Parlo while under the reasonable belief that said treatment was being rendered on behalf of US Stem Cell Clinic and that Dr. Blanco and Parlo were, at all times material to this action, the employees, agents, and/or apparent agents of US Stem Cell Clinic in the delivery of health care services to Mr. Pelton.

70. Mr. Pelton specifically accepted medical care and treatment from Dr. Blanco and Parlo in reliance upon US Stem Cell Clinic's representations that Dr. Blanco and Parlo were employees, agents, and/or apparent agents of US Stem Cell Clinic.

71. In furnishing medical care and treatment to Mr. Pelton, Dr. Blanco and Parlo, while acting as employees, agents, and/or apparent agents of US Stem Cell Clinic,

rendered such care and treatment negligently as set forth in the allegations contained in Count I as stated in paragraph 48. A-R above.

72. At all times material hereto, US Stem Cell Clinic and Dr. Blanco and Parlo were negligent and careless, which negligence and carelessness constituted a breach of the prevailing professional standard of care in that it was below that level of care, skill, and treatment, which in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

73. As direct and proximate result of the negligence as stated in paragraph 48. A-R above, Mr. Pelton sustained damages including:

- a. Permanent personal injury within a reasonable degree of medical probability;
- b. Pain and suffering;
- c. Disability;
- d. Significant permanent disfigurement;
- e. Mental anguish;
- f. Loss of capacity for the enjoyment of life;
- g. Loss of earnings;
- h. Loss of earning capacity;
- i. Medical expenses, past and future, for the care and treatment of his injuries; other expenses for care during his convalescence;
- j. Expense of hospitalization; and
- k. Aggravation of a pre-existing injury, if any.

74. The losses are permanent and continuing in nature, and Plaintiff will suffer losses in the future.

WHEREFORE, Plaintiff, Mr. Pelton, demands judgment for damages against this Defendant, US Stem Cell Clinic, including interest, costs, and any other justiciable relief appropriate under law.

**COUNT IV**

**VICARIOUS LIABILITY OF US STEM CELL CLINIC  
FOR THE NEGLIGENCE OF MICHELLE PARLO**

75. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

76. At all times material hereto, Physician Assistant Michelle Parlo was acting in the course and scope of her employment with US Stem Cell Clinic. Accordingly, US Stem Cell Clinic is liable for the acts and/or omissions of Physician Assistant Michelle Parlo, as described hereinbefore all damages caused by her negligence.

77. At all times related hereto, Michelle Parlo committed negligence in the course and scope of her employment with US Stem Cell Clinic by committing some or all of the following negligent acts:

A. Failing to follow normal and reasonable practices, procedures and standards requiring that a review of a patient's then existing medical condition occur to assure that stem cell therapies would not be administered when a patient presented with obvious signs of inflammation and redness at the very site where the stem cell therapy was to occur; and/or

B. Failing to follow normal and reasonable practices, procedures and standards so as to properly treat Don Pelton when he presented for stem cell therapy; and/or

C. Failing to follow normal and reasonable practices, procedures and standards requiring other diagnostic testing be performed when a patient such as Don Pelton presented with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and /or

D. Failing to follow normal and reasonable practices procedures and standards so as to assure that symptoms, including inflammation and redness at the very site where stem cell therapy was to be administered received proper diagnosis and treatment prior to any therapy being administered; and/or

E. Failing to properly and reasonably appreciate the combination of subjective reports, objective findings, and exam findings existing in Mr. Pelton's left arm, signs and symptoms consisting of inflammation and redness at the very site where the stem cell therapy was to be administered, and negligently continuing with the stem cell treatment; and/or

F. Failing to follow normal and reasonable practices, procedures and standards so that Don Pelton would receive immediate emergent medical care and treatment, including physician examination, CBC work up, medication administration, and close medical monitoring, when stem cell therapy results in significant pain, swelling, and blistering at the site of injection immediately after the therapy occurred; and/or

G. Failing to follow normal and reasonable practices, procedures and standards so as to properly diagnose and/or treat a then-existing emergency condition experienced by Don Pelton following the stem cell therapy's administration given that the reaction occurred immediately after the treatment and

resulted in significant pain, swelling, and blistering at the site of therapy's injection;  
and/or

H. Committing negligence in her care and treatment of patient, Don Pelton, by allowing a systemic infection to be introduced into his body during the stem cell's administration which resulted in serious and permanent injuries; and/or

I. Negligently performing the stem cell therapy when, under all circumstances then existing, such therapy should not have occurred; and/or

J. Negligently administering, via injection, the stem cells; and/or

K. Negligently allowing the inclusion of an infectious foreign substance in and/or through the stem cell treatment administered; and/or

L. Negligently allowing the introduction of harmful foreign bodies in the stem cell therapy's process by way of the equipment, syringes or other utensils used in the therapy; and/or

M. Negligently allowing introduction of a toxic foreign substance in the therapy; and/or

N. Negligently allowing the injection and IV therapy to occur when, under all circumstances, such should not have occurred had there been proper medical management of Mr. Pelton's therapy; and/or

O. Negligently utilizing or failing to utilize proper sterilization techniques in the administration of the stem cell therapy; and/or

P. Otherwise committing negligence in its care and treatment of its patient, Mr. Pelton.

78. As a direct and proximate result of the foregoing departure from the prevailing standards of care, Plaintiff, Don Pelton, suffered:

- A. Permanent personal injuries within a reasonable degree of medical probability including the aggravation of an underlying serious medical condition;
- B. Pain and suffering and a continuing worsening medical condition;
- C. Disability;
- D. Significant permanent disfigurement;
- E. Mental anguish;
- F. Loss of capacity for the enjoyment of life;
- G. Loss of the ability to have proper continuing treatment for Plaintiff's underlying medical condition;
- H. Medical expenses for the care and treatment of the injuries; and
- I. The need for future treatment which would not have been necessary had negligence not occurred; and
- J. The loss of wages, earning capacity and/or the capacity to earn wages in the future including benefits.

WHEREFORE, Plaintiff, Don Pelton, demands judgment for all damages against Defendant US Stem Cell Clinic and for an award of interest and costs against the Defendant.

**COUNT V**

**DIRECT NEGLIGENCE AGAINST US STEM CELL CLINIC LLC**  
**DBA REGENERATIVE WELLNESS CLINIC**

79. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

80. At all times material, US Stem Cell Clinic also did business as Regenerative Wellness Clinic, and it was open to the public as a facility providing stem cell therapy and it acknowledged it was providing care and treatment through its offices, physicians and other professionals including nurse care practitioners to members of the public, including the Plaintiff, Don Pelton. (US Stem Cell Clinic d/b/a Regenerative Wellness Clinic is referred to as "US Stem Cell/Regenerative.")

81. At all times material, US Stem Cell/Regenerative acknowledged it was a licensed medical facility and was properly licensed to provide stem cell therapies in Florida.

82. At all times material hereto, US Stem Cell/Regenerative had the duty to use reasonable care with respect to patients, such as Mr. Pelton, in the oversight, administration, and management of stem cell therapies at its facility. Additionally, US Stem Cell/Regenerative had the duty to use reasonable care so as to not create unreasonable risks of harm, including infection when patients were receiving treatment at the facility, especially with respect to the administration of stem cell therapy.

83. At all times material hereto, US Stem Cell/Regenerative also had the duty to use reasonable care in the supervision, training and overseeing of its doctors, nurse health care practitioners, physician assistants and other health care professionals to assure it had in place proper policies, procedures and standards regarding the risks related to patients, such as Don Pelton, who present with signs and symptoms of inflammation and redness at the very site where the stem cell therapy is to be administered.

84. At all times related herein, Don Pelton relied upon US Stem Cell/Regenerative to use reasonable care in the operation of its facility.

85. At all times related hereto, US Stem Cell/Regenerative breached its duties of reasonable care and/or foreseeably increased the zone of risk applicable to Don Pelton by one or more of the following acts of commission or omission, any or all which are deviations from acceptable medical care in the South Florida community:

A. Failing to have in place appropriate practices, procedures and standards requiring the review of a patient's then existing medical condition to assure that stem cell therapies would not be administered when a patient presented with obvious signs of inflammation and redness at the very site where the stem cell therapy was to be administered; and/or

B. Failing to have in place appropriate practices, procedures and standards so as to properly treat Don Pelton when he presented for stem cell therapy; and/or,

C. Failing to have in place appropriate practices, procedures and standards requiring other diagnostic testing to be performed when a patient such as Don Pelton presented with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and /or

D. Failing to have in place appropriate practices, procedures and standards so as to assure that symptoms, including inflammation and redness at the very site where the stem cell therapy was to be administered received proper diagnosis and treatment prior to any therapy being administered; and/or



E. Failing to have in place appropriate practices, procedures and standards so that its doctors, nurse care practitioners, physician assistants and/or other staff would appreciate that the combination of subjective reports, objective findings, and exam findings existing in patients, such as Mr. Pelton, when such patients present for stem cell therapy with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and/or

F. Failing to have in place appropriate practices, procedures and standards so that Don Pelton would receive immediate emergent medical care and treatment, including physician examination, CBC work up, medication administration, and close medical monitoring, when stem cell therapy results in significant pain, swelling, and blistering at the site of injection immediately after the therapy occurred; and/or

G. Failing to have in place appropriate practices, procedures and standards so as to properly diagnose and/or treat a then-existing emergency condition experienced by Don Pelton following the stem cell therapy's administration given that the reaction occurred immediately after the treatment provided and resulted in significant pain, swelling, and blistering at the site of therapy's injection; and/or

H. Failing to properly train, supervise and oversee its professional staff, including its doctors, nurse care practitioners, physician assistants and/or other staff to assure proper care and treatment was provided; and/or

I. Committing negligence in its care and treatment of its patient, Don Pelton, by allowing a systemic infection to be introduced into his body during the stem cell's administration which resulted in serious and permanent injuries; and/or

J. Negligently performing the stem cell therapy when, under all circumstances then existing, such therapy should not have occurred;

K. Negligently administering, via injection, the stem cells;

L. Negligently allowing the inclusion of an infectious foreign substance in and/or through the stem cell treatment administered;

M. Negligently allowing the introduction of harmful foreign bodies in the stem cell therapy's process by way of the equipment, syringes or other utensils used in the therapy;

N. Negligently allowing introduction of a toxic foreign substance in the therapy;

O. Negligently allowing the injection and IV therapy to occur when, under all circumstances, such should not have occurred had there been proper supervision, management and/or administration;

P. Negligently utilizing or failing to utilize proper sterilization techniques in the administration of the stem cell therapy;

Q. Failing to properly train, supervise and oversee its professional staff, including its doctors, physician assistants, and nurses to assure proper care and treatment; and/or

R. Otherwise committing negligence in its care and treatment of its patient, Mr. Pelton.

86. At all times related, Defendant breached its duties of due care and deviated from accepted standards of care for stem cell replacement facilities/centers in Broward County, Florida, or other similar medical community.

87. At all times related herein, Mr. Pelton relied upon the US Stem Cell/Regenerative to use reasonable care in the operation of its facility.

88. At all times related, the US Stem Cell/Regenerative breached its duties of due care and deviated from accepted standards of care for clinics/medical care facilities in Broward County, Florida, or other similar medical community.

89. As a direct and proximate result of the negligence of Defendant, US Stem Cell/Regenerative LLC, Plaintiff, Mr. Pelton, has in the past and will continue to suffer all legally cognizable damages including the following:

- a. Permanent personal injury within a reasonable degree of medical probability;
- b. Pain and suffering;
- c. Disability;
- d. Significant permanent disfigurement;
- e. Mental anguish;
- f. Loss of capacity for the enjoyment of life;
- g. Loss of earnings;
- h. Loss of earning capacity;
- i. Medical expenses, past and future, for the care and treatment of his injuries; other expenses for care during his convalescence;
- j. Expense of hospitalization; and
- k. Aggravation of a pre-existing injury, if any.

90. The losses are permanent and continuing in nature, and Plaintiff will suffer losses in the future.

WHEREFORE, Plaintiff, Mr. Pelton, demands judgment for damages against this Defendant, US Stem Cell/Regenerative including interest, costs, and any other justiciable relief appropriate under law.

**COUNT VI**

**ACTUAL AGENCY AGAINST US STEM CLINIC LLC DBA REGENERATIVE**

91. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

92. At all times material hereto, US Stem Cell/Regenerative had the right and authority to control the actions of Dr. Blanco and Parlo in the delivery of healthcare to Mr. Pelton at US Stem Cell/Regenerative.

93. At all times material hereto, US Stem Cell/Regenerative affirmed and/or represented and/or otherwise indicated that Dr. Blanco and Parlo were employees, actual agents, and/or apparent agents of US Stem Cell/Regenerative with full privileges to provide all medical care and treatment to patients such as Mr. Pelton.

94. The facts as stated herein resulted in Mr. Pelton's reasonable assumption and belief that Dr. Blanco and Parlo were part of US Stem Cell/Regenerative's medical personnel and such resulted in Mr. Pelton's decision to undergo medical treatment at US Stem Cell/Regenerative's facility.

95. The effect of the affirmations and representations made by US Stem Cell/Regenerative created an actual agency between it and Dr. Blanco and Parlo.

96. Mr. Pelton specifically accepted medical care and treatment from Dr. Blanco and Parlo in reliance upon US Stem Cell/Regenerative's representations that Dr. Blanco and Parlo were employees, agents, and/or apparent agents of US Stem Cell/Regenerative.

97. In furnishing the medical care and treatment to Mr. Pelton, Dr. Blanco and Parlo, while acting as employees, agents, and/or apparent agents of US Stem Cell/Regenerative, rendered such care and treatment negligently as set forth in the allegations contained in Count V in paragraphs 85. A - R above.

98. At all times material hereto, US Stem Cell/Regenerative and Dr. Blanco and Parlo were negligent and careless, which negligence and carelessness constituted a breach of the prevailing professional standard of care in that it was below that level of care, skill, and treatment, which in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

99. As direct and proximate result of the departures of the standard of care as hereinbefore stated in paragraph 85. A-R, Plaintiff, Mr. Pelton, has in the past and will continue to suffer all legally cognizable damages including the following:

- a. Permanent personal injury within a reasonable degree of medical probability;
- b. Pain and suffering;
- c. Disability;
- d. Significant permanent disfigurement;
- e. Mental anguish;
- f. Loss of capacity for the enjoyment of life;

- g. Loss of earnings;
- h. Loss of earning capacity;
- i. Medical expenses, past and future, for the care and treatment of his injuries; other expenses for care during his convalescence;
- j. Expense of hospitalization; and
- k. Aggravation of a pre-existing injury, if any.

100. The losses are permanent and continuing in nature, and Plaintiff will suffer losses in the future.

WHEREFORE, Plaintiff, Mr. Pelton, demands judgment for damages against this Defendant, US Stem Cell/Regenerative including interest, costs, and any other justiciable relief appropriate under law.

**COUNT VII**

**APPARENT AGENCY AGAINST US STEM  
CELL CLINIC LLC DBA REGENERATIVE**

101. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

102. At all times material hereto, US Stem Cell/Regenerative provided medical clinic services to patients such as the Mr. Pelton who would be seen at US Stem Cell/Regenerative's facility for medical care and treatment.

103. US Stem Cell/Regenerative held itself out as a medical stem cell clinic that was capable of providing competent medical care and treatment, and US Stem Cell/Regenerative represented to Mr. Pelton that it was fully equipped to meet the medical needs and provide quality medical care to him through its facility and through its physicians, nurses, medical staff, and other health care providers.

104. At all times material hereto, US Stem Cell/Regenerative affirmed, represented, and/or otherwise indicated that Dr. Blanco and Parlo were employees, agents, and/or apparent agents of US Stem Cell/Regenerative having full privileges to provide medical care and treatment to any of US Stem Cell/Regenerative's patients, including Mr. Pelton.

105. The effect of US Stem Cell/Regenerative's affirmation, representations and other representations gave all appearances and suggested to Mr. Pelton that Dr. Blanco and Parlo were employees, agents, and/or the apparent agents of US Stem Cell/Regenerative.

106. US Stem Cell/Regenerative held Dr. Blanco and Parlo to Mr. Pelton as its employees, agents, and/or apparent agents and Mr. Pelton accepted care, treatment, and recommendations from Dr. Blanco and Parlo while under the reasonable belief that said treatment was being rendered on behalf of US Stem Cell/Regenerative and that Dr. Blanco and Parlo were, at all times material to this action, the employees, agents, and/or apparent agents of US Stem Cell/Regenerative in the delivery of health care services to Mr. Pelton.

107. Mr. Pelton specifically changed her position by accepting medical care and treatment from Dr. Blanco and Parlo in reliance upon US Stem Cell/Regenerative's representations that Dr. Blanco and Parlo were employees, agents, and/or apparent agents of US Stem Cell/Regenerative.

108. In furnishing medical care and treatment to Mr. Pelton, Dr. Blanco and Parlo, while acting as employees, agents, and/or apparent agents of US Stem

Cell/Regenerative, rendered such care and treatment negligently as set forth in the allegations contained in Count V, paragraph 85. A - R above.

109. At all times material hereto, US Stem Cell/Regenerative and Dr. Blanco and Parlo were negligent and careless, which negligence and carelessness constituted a breach of the prevailing professional standard of care in that it was below that level of care, skill, and treatment, which in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

110. As direct and proximate result of the negligence as stated in paragraph 85. A-R above, Mr. Pelton sustained damages including:

- a. Permanent personal injury within a reasonable degree of medical probability;
- b. Pain and suffering;
- c. Disability;
- d. Significant permanent disfigurement;
- e. Mental anguish;
- f. Loss of capacity for the enjoyment of life;
- g. Loss of earnings;
- h. Loss of earning capacity;
- i. Medical expenses, past and future, for the care and treatment of his injuries; other expenses for care during his convalescence;
- j. Expense of hospitalization; and
- k. Aggravation of a pre-existing injury, if any.



111. The losses are permanent and continuing in nature, and Plaintiff will suffer losses in the future.

WHEREFORE, Plaintiff, Mr. Pelton, demands judgment for damages against this Defendant, US Stem Cell/Regenerative, including interest, costs, and any other justiciable relief appropriate under law.

**COUNT VIII**

**VICARIOUS LIABILITY OF US STEM CELL/REGENERATIVE  
FOR THE NEGLIGENCE OF MICHELLE PARLO**

112. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

113. At all times material hereto, Physician Assistant Michelle Parlo was acting in the course and scope of her employment with US Stem Cell/Regenerative. Accordingly, US Stem Cell/Regenerative is liable for the acts and/or omissions of Physician Assistant Michelle Parlo as described hereinbefore all damages caused by her negligence.

114. At all times related hereto, Michelle Parlo committed negligence in the course and scope of her employment with US Stem Cell/Regenerative by committing some or all of the following negligent acts:

A. Failing to follow normal and reasonable practices, procedures and standards requiring that a review of a patient's then existing medical condition occur to assure that stem cell therapies would not be administered when a patient presented with obvious signs of inflammation and redness at the very site where the stem cell therapy was to occur; and/or

B. Failing to follow normal and reasonable practices, procedures and standards so as to properly treat Don Pelton when he presented for stem cell therapy; and/or

C. Failing to follow normal and reasonable practices, procedures and standards requiring other diagnostic testing be performed when a patient such as Don Pelton presented with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and /or

D. Failing to follow normal and reasonable practices procedures and standards so as to assure that symptoms, including inflammation and redness at the very site where stem cell therapy was to be administered received proper diagnosis and treatment prior to any therapy being administered; and/or

E. Failing to properly and reasonably appreciate the combination of subjective reports, objective findings, and exam findings existing in Mr. Pelton's left arm, signs and symptoms consisting of inflammation and redness at the very site where the stem cell therapy was to be administered, and negligently continuing with the stem cell treatment; and/or

F. Failing to follow normal and reasonable practices, procedures and standards so that Don Pelton would receive immediate emergent medical care and treatment, including physician examination, CBC work up, medication administration, and close medical monitoring, when stem cell therapy results in significant pain, swelling, and blistering at the site of injection immediately after the therapy occurred; and/or

G. Failing to follow normal and reasonable practices, procedures and standards so as to properly diagnose and/or treat a then-existing emergency condition experienced by Don Pelton following the stem cell therapy's administration given that the reaction occurred immediately after the treatment and resulted in significant pain, swelling, and blistering at the site of therapy's injection; and/or

H. Committing negligence in her care and treatment of patient, Don Pelton, by allowing a systemic infection to be introduced into his body during the stem cell's administration which resulted in serious and permanent injuries; and/or

I. Negligently performing the stem cell therapy when, under all circumstances then existing, such therapy should not have occurred; and/or

J. Negligently administering, via injection, the stem cells; and/or

K. Negligently allowing the inclusion of an infectious foreign substance in and/or through the stem cell treatment administered; and/or

L. Negligently allowing the introduction of harmful foreign bodies in the stem cell therapy's process by way of the equipment, syringes or other utensils used in the therapy; and/or

M. Negligently allowing introduction of a toxic foreign substance in the therapy; and/or

N. Negligently allowing the injection and IV therapy to occur when, under all circumstances, such should not have occurred had there been proper medical management of Mr. Pelton's therapy; and/or

O. Negligently utilizing or failing to utilize proper sterilization techniques in the administration of the stem cell therapy; and/or

P. Otherwise committing negligence in its care and treatment of its patient, Mr. Pelton.

115. As a direct and proximate result of the foregoing departure from the prevailing standards of care, Plaintiff, Don Pelton, suffered:

A. Permanent personal injuries within a reasonable degree of medical probability including the aggravation of an underlying serious medical condition;

B. Pain and suffering and a continuing worsening medical condition;

C. Disability;

D. Significant permanent disfigurement;

E. Mental anguish;

F. Loss of capacity for the enjoyment of life;

G. Loss of the ability to have proper continuing treatment for Plaintiff's underlying medical condition;

H. Medical expenses for the care and treatment of the injuries; and

I. The need for future treatment which would not have been necessary had negligence not occurred; and

J. The loss of wages, earning capacity and/or the capacity to earn wages in the future including benefits.

WHEREFORE, Plaintiff, Don Pelton, demands judgment for all damages against Defendant US Stem Cell/Regenerative and for an award of interest and costs against this Defendant.

**COUNT IX**

**DIRECT NEGLIGENCE AGAINST DR. BLANCO, INDIVIDUALLY**

116. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

117. At all times material hereto, Dr. Blanco undertook the duty to treat Mr. Pelton in accordance with accepted standards of care for stem cell therapy in Broward County, Florida, or any other similar medical community.

118. At all times material hereto, Dr. Blanco had the duty to use reasonable care and to properly examine, diagnose, and treat Mr. Pelton.

119. Notwithstanding the aforementioned duties, Dr. Blanco breached those duties in that he did or failed to do one or more of the following acts of omission or commission, all of which are deviations from accepted standards of care for such a medical doctor in Broward County, Florida, or other similar medical community:

A. Failing to have in place written practices, procedures and standards applicable to his physician's assistant requiring the review of a patient's then existing medical conditions to assure that stem cell therapies would not be administered when a patient presented with obvious signs of inflammation and redness at the very site where the stem cell therapy was to be administered; and/or

B. Failing to have in place appropriate practices, procedures and standards applicable to his physician's assistant requiring proper treatment of patients, such as Don Pelton, when presenting for stem cell therapy; and/or

C. Failing to have in place appropriate written practices, procedures and standards applicable to his physician's assistant requiring that other diagnostic

testing be performed when a patient such as Don Pelton presented with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and /or

D. Failing to have in place appropriate practices, procedures and standards applicable to his physician's assistant requiring that symptoms, including inflammation and redness at the very site where the stem cell therapy receive proper diagnosis and treatment prior to any stem cell therapy being administered; and/or

E. Failing to have in place appropriate practices, procedures and standards so that written practices, procedures and standards were applicable to his physician's assistant requiring the consideration of any and all subjective complaints, objective findings, and exam findings existing in patients, such as Mr. Pelton, when such patients presented for stem cell therapy with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and/or

F. Failing to have in place appropriate practices, procedures and standards so that Don Pelton would receive immediate emergent medical care and treatment, including physician examination, CBC work up, medication administration, and close medical monitoring, when stem cell therapy results in significant pain, swelling, and blistering at the site of injection immediately after the therapy occurred; and/or

G. Failing to have in place appropriate practices, procedures and standards so as to properly diagnose and/or treat a then-existing emergency

condition experienced by Don Pelton following the stem cell therapy's administration given that the reaction occurred immediately after the treatment provided and resulted in significant pain, swelling, and blistering at the site of therapy's injection; and/or

H. Failing to properly train, supervise and oversee his physician's assistant so as to assure proper care and treatment was provided to Don Pelton; and/or

I. Committing negligence in the care and treatment of patient, Don Pelton, by allowing a systemic infection to be introduced into his body during the stem cell's administration which resulted in serious and permanent injuries; and/or

J. Negligently supervising, monitoring, and/or overseeing the stem cell therapy which, under the then existing circumstances should not have occurred;

K. Negligently allowing the administration, via injection, of stem cells when Mr. Pelton showed signs of redness and inflammation where the therapy was to be administered;

L. Negligently allowing the inclusion of an infectious foreign substance in and/or through the stem cell treatment administered;

M. Negligently allowing the introduction of harmful foreign bodies in the stem cell therapy's process by way of the equipment, syringes or other utensils used in the therapy;

N. Negligently allowing introduction of a toxic foreign substance in the therapy;

O. Negligently allowing the injection and IV therapy to occur when, under all circumstances, such should not have occurred had there been proper supervision, management and/or administration;

P. Negligently utilizing or failing to require the utilization of proper sterilization techniques in the administration of the stem cell therapy;

Q. Failing to properly train, supervise and oversee the physician assistant and nurses to assure proper care and treatment was given to Don Pelton; and/or

R. Otherwise committing negligence in his care and treatment of his patient, Mr. Pelton.

120. As a direct and proximate result of the negligence as stated hereinabove in paragraph 115. A-R above, Mr. Pelton sustained damages including:

- a. Permanent personal injury within a reasonable degree of medical probability;
- b. Pain and suffering;
- c. Disability;
- d. Significant permanent disfigurement;
- e. Mental anguish;
- f. Loss of capacity for the enjoyment of life;
- g. Loss of earnings;
- h. Loss of earning capacity;
- i. Medical expenses, past and future, for the care and treatment of his injuries; other expenses for care during his convalescence;
- j. Expense of hospitalization; and



k. Aggravation of a pre-existing injury, if any.

121. The losses are permanent and continuing in nature, and Plaintiff will suffer losses in the future.

WHEREFORE, Plaintiff, Mr. Pelton, demands judgment for damages against this Defendant, Dr. Blanco, including interest, costs, and any other justiciable relief appropriate under law.

**COUNT X**

**DR. BLANCO'S VICARIOUS LIABILITY  
FOR THE NEGLIGENCE OF MICHELLE PARLO**

122. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

123. At all times material hereto, Dr. Blanco undertook the duty to treat Mr. Pelton through the services of a physician assistant, Michelle Parlo, in accordance with the accepted standards of care for supervision, oversight and management of physician assistants under Florida law.

124. At all times material hereto, Dr. Blanco had the duty to use reasonable care and to properly examine, diagnose, and treat Mr. Pelton.

125. Notwithstanding the aforementioned duties, Dr. Blanco breached those duties in that he did or failed to do one or more of the following acts of omission or commission, all of which are deviations from accepted standards of care for such a medical doctor in Broward County, Florida, or other similar medical community:

A. Failing to have in place written practices, procedures and standards applicable to his physician's assistant requiring the review of a patient's then existing medical conditions to assure that stem cell therapies would not be

administered when a patient presented with obvious signs of inflammation and redness at the very site where the stem cell therapy was to be administered; and/or

B. Failing to have in place appropriate practices, procedures and standards applicable to his physician's assistant requiring so as to properly treat Don Pelton when he presented for stem cell therapy; and/or

C. Failing to have in place appropriate written practices, procedures and standards applicable to his physician's assistant requiring that other diagnostic testing be performed when a patient such as Don Pelton presented with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and /or

D. Failing to have in place appropriate practices, procedures and standards applicable to his physician assistant requiring that symptoms, including inflammation and redness at the very site where the stem cell therapy receive proper diagnosis and treatment prior to any stem cell therapy being administered; and/or

E. Failing to have in place appropriate practices, procedures and standards so that written practices, procedures and standards were applicable to his physician's assistant requiring the consideration of any and all subjective complaints, objective findings, and exam findings existing in patients, such as Mr. Pelton, when such patients presented for stem cell therapy with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and/or

F. Failing to have in place appropriate practices, procedures and standards so that Don Pelton would receive immediate emergent medical care and treatment, including physician examination, CBC work up, medication administration, and close medical monitoring, when stem cell therapy results in significant pain, swelling, and blistering at the site of injection immediately after the therapy occurred; and/or

G. Failing to have in place appropriate practices, procedures and standards so as to properly diagnose and/or treat a then-existing emergency condition experienced by Don Pelton following the stem cell therapy's administration given that the reaction occurred immediately after the treatment provided and resulted in significant pain, swelling, and blistering at the site of therapy's injection; and/or

H. Failing to properly train, supervise and oversee his physician's assistant so as to assure proper care and treatment was provided to Don Pelton; and/or

I. Committing negligence in the care and treatment of patient, Don Pelton, by allowing a systemic infection to be introduced into his body during the stem cell's administration which resulted in serious and permanent injuries; and/or

J. Negligently supervising, monitoring, and/or overseeing the stem cell therapy which, under the then existing circumstances should not have occurred; and/or

K. Negligently allowing the administration, via injection, of stem cells when Mr. Pelton showed signs of redness and inflammation where the therapy was to be administered; and/or

L. Negligently allowing the inclusion of an infectious foreign substance in and/or through the stem cell treatment administered; and/or

M. Negligently allowing the introduction of harmful foreign bodies in the stem cell therapy's process by way of the equipment, syringes or other utensils used in the therapy; and/or

N. Negligently allowing introduction of a toxic foreign substance in the therapy; and/or

O. Negligently allowing the injection and IV therapy to occur when, under all circumstances, such should not have occurred had there been proper supervision, management and/or administration; and/or

P. Negligently utilizing or failing to require the utilization of proper sterilization techniques in the administration of the stem cell therapy; and/or

Q. Failing to properly train, supervise and oversee the physician assistant and nurses to assure proper care and treatment was given to Don Pelton; and/or

R. Otherwise committing negligence in his care and treatment of its patient, Mr. Pelton.

126. As a direct and proximate result of the negligence as stated hereinabove in paragraph 125. A-R above, Mr. Pelton sustained damages including:

- a. Permanent personal injury within a reasonable degree of medical probability;

- b. Pain and suffering;
- c. Disability;
- d. Significant permanent disfigurement;
- e. Mental anguish;
- f. Loss of capacity for the enjoyment of life;
- g. Loss of earnings;
- h. Loss of earning capacity;
- i. Medical expenses, past and future, for the care and treatment of his injuries; other expenses for care during his convalescence;
- j. Expense of hospitalization; and
- k. Aggravation of a pre-existing injury, if any.

127. The losses are permanent and continuing in nature, and Plaintiff will suffer losses in the future.

WHEREFORE, Plaintiff, Mr. Pelton, demands judgment for damages against this Defendant, Dr. Blanco, including interest, costs, and any other justiciable relief appropriate under law.

### **COUNT XI**

#### **NEGLIGENCE AGAINST DR. BLANCO, P.A.**

128. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

129. At all times material hereto, Dr. Blanco pursued his medical practice, duties and responsibilities through his professional association, Antonio E. Blanco, M.D., P.A. ("Dr. Blanco, P.A.").

130. As such, at times material hereto, and as stated in Count IX and X Defendant, Dr. Blanco, was acting within the course and scope of his employment with Dr. Blanco, P.A., and the professional association is liable for the acts and/or omissions of Dr. Blanco as well as for all damages caused by the negligence of Michelle Parlo due to the vicarious liability.

131. As a direct and proximate result of the negligence, omissions and conduct as stated hereinabove in paragraph in Counts IX and X, Mr. Pelton sustained damages including:

- a. Permanent personal injury within a reasonable degree of medical probability;
- b. Pain and suffering;
- c. Disability;
- d. Significant permanent disfigurement;
- e. Mental anguish;
- f. Loss of capacity for the enjoyment of life;
- g. Loss of earnings;
- h. Loss of earning capacity;
- i. Medical expenses, past and future, for the care and treatment of his injuries; other expenses for care during his convalescence;
- j. Expense of hospitalization; and
- k. Aggravation of a pre-existing injury, if any.

132. The losses are permanent and continuing in nature, and Plaintiff will suffer losses in the future.

WHEREFORE, Plaintiff, Mr. Pelton, demands judgment for damages against this Defendant, Dr Blanco, P.A., including interest, costs, and any other justiciable relief appropriate under law.

**COUNT XII**

**NEGLIGENCE AGAINST PARLO**

133. Plaintiff readopts and realleges all previous allegations contained in paragraphs 1 through 41 above, and further alleges:

134. At all times material hereto, Physician's Assistant, Michelle Parlo, was acting as a physician assistant and acted individually and/or in the course and scope of her employment, agency, and/or representative capacity or through some other association with US Stem Cell Clinic, US Stem Cell/Regenerative and/or Dr. Blanco.

135. At all times related hereto, Michelle Parlo committed negligence in the course and scope of her treatment of Don Pelton by committing some or all of the following negligent acts:

A. Failing to follow normal and reasonable practices, procedures and standards requiring that a review of a patient's then existing medical condition occur to assure that stem cell therapies would not be administered when a patient presented with obvious signs of inflammation and redness at the very site where the stem cell therapy was to occur; and/or

B. Failing to follow normal and reasonable practices, procedures and standards so as to properly treat Don Pelton when he presented for stem cell therapy; and/or

C. Failing to follow normal and reasonable practices, procedures and standards requiring other diagnostic testing be performed when a patient such as Don Pelton presented with signs and symptoms of inflammation and redness at the very site where the stem cell therapy was to be administered; and /or

D. Failing to follow normal and reasonable practices procedures and standards so as to assure that symptoms, including inflammation and redness at the very site where stem cell therapy was to be administered received proper diagnosis and treatment prior to any therapy being administered; and/or

E. Failing to properly and reasonably appreciate the combination of subjective reports, objective findings, and exam findings existing in Mr. Pelton's left arm, signs and symptoms consisting of inflammation and redness at the very site where the stem cell therapy was to be administered, and negligently continuing with the stem cell treatment; and/or

F. Failing to follow normal and reasonable practices, procedures and standards so that Don Pelton would receive immediate emergent medical care and treatment, including physician examination, CBC work up, medication administration, and close medical monitoring, when stem cell therapy results in significant pain, swelling, and blistering at the site of injection immediately after the therapy occurred; and/or

G. Failing to follow normal and reasonable practices, procedures and standards so as to properly diagnose and/or treat a then-existing emergency condition experienced by Don Pelton following the stem cell therapy's administration given that the reaction occurred immediately after the treatment



and resulted in significant pain, swelling, and blistering at the site of therapy's injection; and/or

H. Committing negligence in her care and treatment of patient, Don Pelton, by allowing a systemic infection to be introduced into his body during the stem cell's administration which resulted in serious and permanent injuries; and/or

I. Negligently performing the stem cell therapy when, under all circumstances then existing, such therapy should not have occurred; and/or

J. Negligently administering, via injection, the stem cells; and/or

K. Negligently allowing the inclusion of an infectious foreign substance in and/or through the stem cell treatment administered; and/or

L. Negligently allowing the introduction of harmful foreign bodies in the stem cell therapy's process by way of the equipment, syringes or other utensils used in the therapy; and/or

M. Negligently allowing introduction of a toxic foreign substance in the therapy; and/or

N. Negligently allowing the injection and IV therapy to occur when, under all circumstances, such should not have occurred had there been proper medical management of Mr. Pelton's therapy; and/or

O. Negligently utilizing or failing to utilize proper sterilization techniques in the administration of the stem cell therapy; and/or

P. Otherwise committing negligence in its care and treatment of her patient, Mr. Pelton.

136. As a direct and proximate result of the foregoing departure from the prevailing standards of care, Plaintiff, Don Pelton, suffered:

- A. Permanent personal injuries within a reasonable degree of medical probability including the aggravation of an underlying serious medical condition;
- B. Pain and suffering and a continuing worsening medical condition;
- C. Disability;
- D. Significant permanent disfigurement;
- E. Mental anguish;
- F. Loss of capacity for the enjoyment of life;
- G. Loss of the ability to have proper continuing treatment for Plaintiff's underlying medical condition;
- H. Medical expenses for the care and treatment of the injuries; and
- I. The need for future treatment which would not have been necessary had negligence not occurred; and
- J. The loss of wages, earning capacity and/or the capacity to earn wages in the future including benefits.

WHEREFORE, Plaintiff, Don Pelton, demands judgment for all damages against the Defendants US Stem Cell/Regenerative and for an award of interest and costs against the Defendant.

**REQUEST FOR JURY TRIAL**

Plaintiff hereby requests trial by jury of all issues so triable as a matter of right.

**CERTIFICATE OF GOOD FAITH**

The undersigned hereby certifies that a reasonable investigation has been made

of the facts involved in this case and there are reasonable and good faith grounds to believe that malpractice occurred. Additionally, all pre-suit requirements have been properly satisfied prior to filing this lawsuit and/or have been waived.

Dated: June 29, 2023

*/s/ John W. McLuskey*

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