

VIRGINIA:

IN THE PRINCE WILLIAM COUNTY CIRCUIT COURT

BETTY SMITH,

Defendant.

v.

At Law No. 17-7872

CARIENT HEART & VASCULAR

**SERVE: R/A: Keith H. Chu**  
**8100 Ashton Avenue, Suite 200**  
**Manassas, VA 20109**

and

VIRGINIA CARDIOVASCULAR ASSOCIATES, PC  
t/a CARIENT HEART & VASCULAR

**SERVE: R/A: Keith H. Chu**  
**8100 Ashton Avenue, Suite 200**  
**Manassas, VA 20109**

and

INOVA HEALTH CARE SERVICES  
**SERVE: R/A: CT Corporation System**  
**4701 Cox Road, Suite 285**  
**Glen Allen, VA 23060**

and

INOVA MEDICAL GROUP-MANASSAS (Successor in interest)  
**SERVE: R/A: CT Corporation System**  
**4701 Cox Road, Suite 285**  
**Glen Allen, VA 23060**

and

INOVA MEDICAL GROUP (IMG) CARDIOLOGY  
**SERVE: R/A: CT Corporation System**  
**4701 Cox Road, Suite 285**  
**Glen Allen, VA 23060**

and

NO service

FILED  
2017 OCT -5 AM 4:09  
CIRCUIT COURT CLERKS OFFICE  
PRINCE WILLIAM COUNTY, VA

THOMAS A. PURCELL, JR.,  
**SERVE: Nottoway Correctional Center**  
**2892 Schutt Road**  
**Burkeville, VA 23922**

Defendants.

### COMPLAINT

COMES NOW the plaintiff, by counsel, and files this her Complaint and asks that judgment be rendered jointly and severally against Thomas A. Purcell Jr. and the corporate defendants named herein and in support thereof the plaintiff states as follows:

1. Plaintiff is a resident of Prince William County, Virginia.
2. At all relevant times hereto, the plaintiff was seventy (70) years of age.
3. At all times relevant hereto, Carient Heart & Vascular was authorized to conduct business and had its primary office in Manassas, Virginia.
4. On information and belief, all interests and liabilities of Carient Heart & Vascular also known as Virginia Cardiovascular Associates PC t/a Carient Heart & Vascular were assumed by Inova Medical Group (IMG) Cardiology, Inova Medical Group-Manassas (Successor in Interest), Inova Health Care Services.
5. At all times relevant to this action, Defendant Purcell was acting as an employee, agent, and/or servant of Carient Heart & Vascular and now its successor in interest Inova Medical Group (IMG) Cardiology, Inova Medical Group-Manassas (Successor in Interest), Inova Health Care Services.
6. At all times relevant to this action, Defendant Purcell was acting within the course of

scope of his employment with Carient Heart & Vascular and now its successor in interest Inova Medical Group (IMG) Cardiology, Inova Medical Group-Manassas (Successor in Interest), Inova Health Care Services.

7. At all times relevant to this action, the defendants had a health care provider-patient relationship with the plaintiff.

8. On June 9, 2014, the plaintiff presented to Carient Heart & Vascular in Manassas, Virginia to have an ultrasound completed for testing.

9. At said time and place, Defendant Purcell was the cardiovascular ultrasound technician who took the plaintiff to the room for the procedure.

10. At said time and place, Defendant Purcell placed the plaintiff on a table after she was properly gowned but without draping her legs.

11. At said time and place, Defendant Purcell while in the scope of his employment conducted a ultrasound examination on the plaintiff's right leg first and then the left leg.

12. At said time and place, after Defendant Purcell completed the ultrasound examination of the plaintiff's legs, Defendant Purcell asked the plaintiff to move down the table so that her feet would extend over the edge of the table.

13. At said time and place, Defendant Purcell then asked the plaintiff if she had neuropathy in her feet.

14. At said time and place, unbeknownst to the plaintiff, Defendant Purcell removed his penis from his pants and had placed it between the plaintiff's feet.

15. At that point Defendant Purcell had grabbed both of the plaintiff's feet and was rubbing them on his penis at said time and place.

16. At said time and place, because of the strange sensation, the plaintiff raised her head and

observed Defendant Purcell with his erect penis placed between her feet and rubbing his penis until he ejaculated.

17. Defendant Purcell then tore a section of the paper covering from the exam table to wipe sperm from the plaintiff's feet at said time and place.

18. Thereafter, the plaintiff was in such an emotional shock it was not reported immediately.

19. Defendant Purcell was indicted on April 4, 2016 for this incident.

20. The Final Order for Defendant Purcell's criminal conviction was entered on October 12, 2016.

21. The defendants had a duty to exercise ordinary care and treatment of the plaintiff and otherwise comport to the actions of the usual standards of care in Virginia and elsewhere.

22. Notwithstanding the duties outlined in paragraph 19, the defendants, breached said standards in the following respects:

a) Failing to employ a reasonable amount of attention and skill in the examination and conduct of the ultrasound examination of the plaintiff on June 9, 2014.

b) Failing to utilize appropriate technique in performing the ultrasound examination on June 9, 2014.

c) Failing to conduct the ultrasound examination without utilizing his sexual pleasures.

23. As a direct and proximate result of the defendants' breach of the applicable standards of care and/or negligence, the plaintiff suffered serious emotional and physical assault and complications.

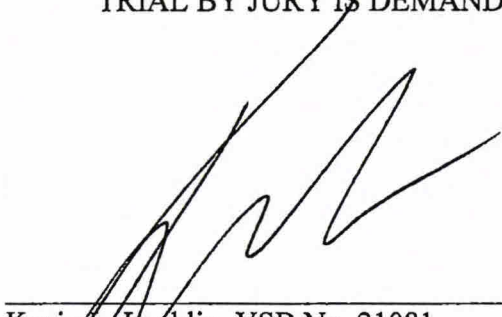
24. The plaintiff suffered emotional distress as a result of the aforesaid conduct by the defendants, suffered physical abuse as a result of the defendant rubbing his penis against her feet, suffered pain of body and mind, and has suffered emotionally.



WHEREFORE the plaintiff moves this Court for judgement against the defendants jointly and severally in the amount of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) in Compensatory Damages with interest from June 9, 2014 at the legal rate. The plaintiff further seeks reasonable costs and expenses as permitted by law.

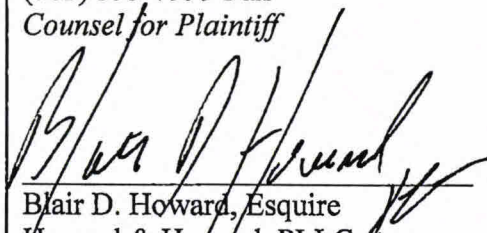
TRIAL BY JURY IS DEMANDED ON ALL ISSUES.

BETTY SMITH  
By Counsel



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