

Case Type: Medical Malpractice/Wrongful Death

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT

Michael A. Zimmer as trustee for the
next of kin of Prince Rogers Nelson,
deceased,

COMPLAINT

Plaintiff,

v.

Iowa Health System, d/b/a UnityPoint
Health, Walgreen Co., Michael T.
Schulenberg, M.D., and North
Memorial Health Care,

Defendants.

Plaintiff Michael A. Zimmer as trustee for the next of kin of Prince Rogers
Nelson, deceased, for his claims for relief alleges as follows:

I PARTIES AND JURISDICTIONAL FACTS

Prince Rogers Nelson (hereinafter referred to as Prince) died at his place of
residence in Carver County, Minnesota on April 21, 2016 as a result of wrongful acts
described in this Complaint. Pursuant to the Minnesota Wrongful Death Act, plaintiff
Michael A. Zimmer was subsequently appointed as trustee for Prince's next-of- kin by
Order of Carver County Judge Kevin Eide of the First Judicial District of Minnesota.

Defendant Iowa Health System, d/b/a UnityPoint Health (hereinafter UnityPoint
Health) is a health care system which operates various hospitals and clinics under the
name UnityPoint Health. These include UnityPoint Trinity, a group of four hospitals in
the Quad Cities area of Iowa and Illinois, one of which is Trinity Medical Center in
Rock Island, Illinois. Trinity Medical Center is a full service hospital which includes

an emergency department and a pharmacy. UnityPoint Health also does business in Minnesota as HealthPartners UnityPoint Health (see Exhibit A attached).

HealthPartners is a Minnesota based health care provider and insurance company.

Defendant Walgreen Co. is a corporation with its headquarters at 200 Wilmot Road in Deerfield, Illinois, which operates a multitude of Walgreens Pharmacies throughout the United States, including Carver County and other counties in Minnesota.

Defendant Michael T. Schulenberg, M.D. is a medical doctor licensed to practice in Minnesota, who at all times relevant hereto was an employee of defendant North Memorial Health.

Defendant North Memorial Health Care is a Minnesota based health care system, which operates hospitals and clinics and employs physicians, including at all times relevant hereto defendant Michael T. Schulenberg, M.D.

II FACTS

For an unknown but considerable period of time before his death on April 21, 2016, Prince suffered from addiction to opioid pain medications. The cause of his death on that date was an unintentional overdose of an opioid drug called fentanyl.

In the weeks immediately preceding his death, Prince received professional health care services from all of defendants.

On April 8, 2016, he received professional health care services at his home in Carver County from Dr. Schulenberg, acting as an employee of North Memorial Health Care.

On April 14, 2016, and possibly before that date, Prince received narcotic prescription medications from Walgreen Store #9511 in Bloomington, Minnesota.

On April 15, 2016, Prince received professional health care services from UnityPoint Health through the emergency department and pharmacy of Trinity Medical Center in Rock Island, Illinois.

On April 20, 2016, Prince again received professional health care services from defendant Schulenberg acting as an employee of North Memorial Health Care.

Also, on April 20, 2016, Prince received prescription medications from Walgreens Store #13853 in Minnetonka, Minnesota.

Also, upon information and belief, over a period of years before his death Prince received narcotic prescription medication from various Walgreen stores in Minnesota

III CLAIMS

All of the defendants had an opportunity and duty during the weeks before Prince's death to diagnose and treat Prince's opioid addiction, and to prevent his death. They failed to do so.

In providing professional health care services to Prince, defendant Schulenberg had a duty to provide the quality of care consistent with the standard of acceptable medical practice. He failed to do so. He failed to appropriately evaluate, diagnose, treat and counsel Prince for his recognizable opioid addiction, and further failed to take appropriate and reasonable steps to prevent the foreseeably fatal result of that addiction. These departures from the standard of acceptable medical practice had a substantial part in bringing about Prince's death.

Health care professionals who treated Prince in the hospital emergency department and pharmacy operated by defendant UnityPoint Health at Trinity Medical Center in Rock Island, Illinois had a duty to provide the quality of care consistent with the standard of acceptable medical and pharmaceutical practice. They failed to timely and appropriately diagnose and treat Prince's opioid overdose; they failed to timely and

appropriately investigate the cause of his opioid overdose; they failed to provide timely and appropriate counseling to Prince for his opioid overdose and addiction; and they failed to take appropriate and reasonable steps to prevent the foreseeably fatal result of that addiction. These departures from the standard of acceptable medical practice had a substantial part in bringing about Prince's death.

The pharmacists at Walgreens stores in Minnetonka and Bloomington, Minnesota identified above, who provided prescription narcotics to Prince on April 14 and April 20, 2016, and upon information and belief other Walgreens pharmacists in Minnesota who provided prescription narcotic medications to Prince for a number of years before his death, had a duty to meet the standard of acceptable pharmaceutical care. They failed to do so. They 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. These failures to meet the standards of acceptable pharmaceutical practice had a substantial part in bringing about Prince's death.

IV DAMAGES

Because of their negligence in providing inadequate professional health care services to Prince, and thus playing a substantial part in causing his death, defendants are liable to Prince's next of kin for damages pursuant to the Minnesota Wrongful Death Act. These damages include the loss of income, services, counsel, guidance, aid, advice, assistance, companionship and protection which they would have received from Prince had he lived.

WHEREFORE, plaintiff prays judgment against defendants, and each of them, in an amount greater than Fifty Thousand and no/100 (\$50,000) Dollars, together with interest, costs and disbursements incurred.

I hereby acknowledge that sanctions may be awarded pursuant to Minn. Stat. § 549.211.

SCHWEBEL GOETZ & SIEBEN, P.A.

Dated: 9/11/18

By John C. Goetz
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EXHIBIT A



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