

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

2022LA001051

Candice Adams
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DuPage County
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Thomas C. Fernandez.

Plaintiff,

vs.

Meier Clinics of Illinois, P.C.,
An Illinois Corporation,

Defendant.

Case No. _____

VERIFIED COMPLAINT

NOW COMES the Plaintiff, Thomas C. Fernandez, and as his Complaint against the Defendant, Meier Clinics of Illinois P.C., states as follows:

PARTIES

1. The Plaintiff, Thomas C. Fernandez (Fernandez) is an individual residing in DuPage County, Illinois and was a former patient of Meier Clinics of Illinois, P.C.
2. The Defendant, Meier Clinics of Illinois, P.C., (Meier) is an Illinois corporation with its principal office and registered agent's address at 2100 Manchester Road, Suite 1510, Wheaton, Illinois.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

3. That Defendant is engaged in the business of providing psychiatric services and counseling to the public.
4. Fernandez was a client of the Defendant's for a period beginning sometime in 2016 through April 29, 2022.
5. From 2016 through March 11, 2020, Meier was treating Fernandez for Attention Deficit Hyper Activity (ADHD) disorder, and was prescribing normal dosages of Vyvanse and D-Amphetamine to treat the condition.
6. Fernandez had been diagnosed and treated by psychiatrists for ADHD since his late teenage years.
7. Fernandez, prior to 2020, had never been diagnosed with any psychiatric disorder.
8. Dr. Steve C. Lee (Dr. Lee) is an employee of Meier and was the treating physician during all times in question.

MEDICAL RECORDS

9. On March 10th, Dr. Lee received a call concerning Fernandez. Dr. Lee states that this call was from Fernandez's mother. Fernandez believes it was from his wife.
10. Dr. Lee notes that Fernandez's paranoia has increased over the last two weeks, and state that it doesn't seem associated with the patient's stimulus treatment.
11. On March 11, 2020, Fernandez went to the ER and was released. The ER doctor felt he was not a

threat to himself/others and was released.

12. Beginning March 11, 2020, Fernandez was treated by Dr. Lee for auditory hallucinations. Other than this isolated event, the Plaintiff has had no other psychosis.
13. The diagnosis provided in the medical records throughout was that Fernandez experienced an unspecified psychotic disorder.
14. That Dr. Lee begin treatment for the auditory hallucinations on March 11, 2020, with prescription for Risperidone (anti-psychotic), 1mg tablets (60).
15. That on March 16, 2020, Dr. Lee added a prescription for Trazodone - 50mg (30), which is a sleep aid. He also suspected that Fernandez was experiencing akathisia, which is a movement disorder side effect to the Risperidone.
16. That on March 22, 2022, Fernandez was still having auditory hallucinations, and Dr. Lee moved Fernandez off the Risperidone and on to Olanzapine (Zyprexa), which is another anti-psychotic medication, which is not generally recommended to treat a first psychotic episode.
17. Dr. Lee notes in his March 22, 2022 records that the weekend before March 22, 2022, Fernandez went to the ER with palpitations, cardias w/u wnl.
18. On March 22, 2022, Dr. Lee instructed Fernandez to take 1/2 tablets of Olanzapine for 3 days, and then to increase the dosage to 1 tablet (5 mg) thereafter. Dr. Lee also prescribed Ativan (anti-anxiety) medication, which is also used as a sleep aid.

19. There is a federal health warning that mixing Olanzapine with Ativan can increase side-effects relating to somnolence, i.e., cause sleepiness or drowsiness.
20. On March 26, 2020, Dr. Lee advised Fernandez that he could go back on his Adderall prescription.
21. Although not in Dr. Lee's medical records, a prescription for D-Amphetamine (Adderall) was filled by Walgreens on March 26, 2020 for 10 mg tablets (60). See "Exhibit A" Walgreen's Drug History.
22. On April 7, 2020, Dr. Lee's notes indicate that Fernandez was overall improving, and that the auditory hallucinations were diminishing. He instructed Fernandez to take 4-4.5mg of Ativan a day, and to increase the dosage of Zyprexa to 7.5 mg.
23. On April 14, 2020, Dr. Lee increases the Adderall to 10mg (75 tablets) were prescribed.
24. On April 21, 2020, Dr. Lee notes no change in condition, and increases the Zyprexa dosage to 10.5mg a day, up from 7.5 mg a day.
25. On April 28, 2020, Dr. Lee notes that the overall improvement continues and adds Sertraline (anti-depressant) 50 mg (30) to the drug regimen.
26. On May 5, 2020, Dr. Lee notes that Fernandez's overall condition is improving, but he is still experiencing some auditory hallucinations. Dr. Lee increases the Zyprexa dosage to 15 mg a day, up from 10.5 mg a day.
27. On May 14, 2020, Dr. Lee notes that Fernandez's overall condition is improving, and that the auditory hallucinations are diminishing, although he is experiencing dizziness. Dr. Lee notes that

"Recently dizzy, missteps? Which med side effect".

28. On May 14th, 2020, Dr. Lee increases the Adderall dosage to 20 mg (45).
29. On June 6, 2020, Dr. Lee notes that Fernandez's overall condition is improving, and that the auditory hallucinations ceased two weeks ago. He also notes that Fernandez is sedated in the morning and it is hard for him to focus and get going. His instructions are to continue the Zyprexa at 15mg.
30. Although not in Dr. Lee's records, Walgreens filled prescriptions for 20 mg (45) of D-Amphetamine on June 4, 2020, and an additional D-Amphetamine prescription for 20 mg (60) on June 19, 2020.
31. On July 2, 2020, Dr. Lee notes that Fernandez continues to improve and that the auditory hallucinations had ceased on 5/22/2020. He states the 12.5 dosage of Zyprexa seems better, but instructs the patient to maintain the 15 mg dosage. He also states that Fernandez's motivation/focus is down, presumably due to Zyprexa.
32. On July 30, 2020, Dr. Lee notes that Fernandez continues to improve. He notes that the main issue is lethargy into noon, and that he has lost 26 lbs. and does not know why. He instructs Fernandez to maintain the Zyprexa at 15 mg a day.
33. On August 27, 2020, Dr. Lee notes that Fernandez continues to improve, and state there is less lethargy in AM since reduction in Ativan/Zyprexa, but pretty low motivation. He instructs Fernandez to reduce the Zyprexa to 10 mg a day, down from 15 mg.
34. On October 26, 2020, Dr. Lee instructs Fernandez to maintain the 10 mg a day Zyprexa.

35. On November 30, 2020 the Adderall prescription was increased to 20mg (90). This means that the average daily dosage for the Adderall was 60 mg a day, more than twice Fernandez's normal dosage.
36. On December 10, 2020, Dr. Lee's records indicate that Fernandez was experiencing low motivation. Dr. Lee instructs that the Zyprexa be reduced to 7.5 mg. a day, down from 10 mg., and that the Adderall be increased to 50 mg a day.
37. The above instructions are contrary to the Walgreens prescription records which state that Fernandez was prescribed 60 mg a day of D-Amphetamine from 12/2/2020 through 9/23/21.
38. On February 3, 2021, Dr. Lee notes that Fernandez is sleeping 10-11 hours a day, and was not able to remember things in the morning. Dr. Lee instructs that the Zyprexa be reduced to 5 mg a day. This is a reduction in Zyprexa from 10 mg on December 10, 2020, to 5 mg a day on February of 2021.
39. Fernandez disputes this and states that he advised "Dr. Lee that he was sleeping 14-16 hours a day at such time.
40. The literature on Zyprexa states that proper weaning off Zyprexa should be no more than 10 percent a month, or significant side-effects can occur.

Other medical literature suggest that dose reduction of antipsychotics should occur gradually over months or even years. Final doses before complete cessation may have to be as small as 1/40th of the maintenance therapeutic dose (for example, olanzapine 7.5 mg down to .4 mg, tapered in 9 steps).

41. On March 3, 2021, Dr. Lee states that Fernandez is somewhat better, but that he still drags in the

morning. That his memory is better. He instructs that the D-Amphetamine be replaced with Vyvanse, but the Walgreens records state that this was added to the D-Amphetamine prescription, and was only added for one month.

42. On March 29, 2021, Dr. Lee notes that the Vyvanse is not helping, and that Fernandez is foggy/poor work production. He instructs that 20mg of Adderall tid prn be used. This corresponds to the Walgreens records of 20 mg (90), or 60 mg a day.

43. On April 21, 2021, Dr. Lee states that Fernandez is somewhat better, but still drags in the morning and it is hard for him to get going. He notes that the Adderall is helpful and reduces the Zyprexa from 5mg to 2.5 mg a day.

44. That Walgreens records state that Fernandez has been on D-Amphetamine at 60 mg a day since December of 2020. This medication has not been changed and should have no bearing on the above conclusion.

45. The literature on Zyprexa states that proper weaning off Zyprexa should be no more than 10 percent a month, or significant side-effects can occur.

46. On June 17, 2021, Dr. Lee notes that Fernandez still drags in the morning and has poor memory for one hour after he wakes up, which is better than in the past. Dr. Lee continues the drug regimen.

47. It should be noted that to determine the drug regimen Fernandez was on, the Walgreens records should be reviewed, as Dr. Lee did not note in his records which prescriptions were being ordered.

48. On July 2, 2021, Dr. Lee notes that Fernandez had mild insomnia, anxiety/panic due to an office

move. Dr. Lee considers moving the Zyprexa back up to 7.5 mg a day.

49. On August 19, 2021, Dr. Lee reports that Fernandez is having more spontaneous panic and anxiety, possibly due to a parent being hospitalized, and that he drags in the morning with poor memory and doesn't feel better until afternoon. The Zoloft (anti-anxiety) was increased at this time.

50. For a complete history of the Lorazepam (Zoloft) prescriptions, the Walgreens records must be consulted, as they do not appear in the medical records.

51. On September 17, 2021, Dr. Lee notes that Fernandez had somewhat less AM inertia, sleeping 9-10 hours a day and dragging in the morning with poor memory. He also states that Fernandez could not follow their conversation.

52. Dr. Lee instructs the following medication: 5 mg Zyprexa, 50 mg Zoloft, .05-1 mg Ativan, and 20 mg Adderall.

53. The Walgreens records state that at this time that Fernandez was prescribed 60 mg of Adderall a day, 2 mg of Lorazepam (Ativan) a day, 5 mg of Zyprexa a day,

54. Fernandez states that on September 17, 2021, that Fernandez once again informed Dr. Lee that he was overmedicated. Fernandez had been advising Dr. Lee of this throughout the course of the medical regimen.

55. That on October 6, 2021, Dr. Lee notes a conversation with Fernandez's spouse wherein he concludes that Fernandez is decompensating with more suspicious thinking, and that he is blaming the meds for poor memory. Dr. Lee concludes that he took more Adderall and Ativan than directed, maybe as a way of self-medication. Dr. Lee plans to increase the Zyprexa to 7.5 mgs. a day.

56. On October 8, 2021, Dr. Lee had a conversation with someone, the records do not identify who. It was not with Fernandez, as Fernandez did not talk to Dr. Lee from September 17, 2021 until October 28, 2021.
57. In his notes to the October 8, 2021 conversation, Dr. Lee states that Fernandez is frustrated with his family, that he has poor mentation and is stringing along memories in the morning, and that he doesn't feel like he is cognitively functioning until later in the day.
58. That the cognitive functioning is consistent with what Fernandez had been reporting to Dr. Lee since July of 2020.
59. Dr. Lee's October 8, 2021 plan was to reduce the Zyprexa to 2.5 mg a day, contrary to his plan to raise it to 7.5 mg on October 6, 2021, two days prior.
60. On October 11, 2021 phone call with Fernandez's spouse, Dr. Lee finally states "There may be some truth though to his complaint that he is dysphonic and not thinking as well on the Olanzapine thus the offered med change".
61. Dr. Lee advises Fernandez's spouse that he wants to try Abiligy (1 mg, then 2 mg a day), which is a different anti-psychotic, presumable not having the memory side-effect.
62. On October 19, 2021, Dr. Lee has a conversation with someone other than Fernandez, as Dr. Lee's records do not identify who he talked to. He states that Fernandez took himself off the medication 1.5 weeks prior to clear sedation and memory issues. Dr. Lee's medical plan is to take Fernandez off all medication to see if mentation improves.

63. October 19th would be the date that Dr. Lee had a telephone call, initiated by Fernandez's spouse. Fernandez's parents were placed on the call (speakerphone) by Fernandez's spouse. Fernandez was not on the call.
64. On October 19th, Dr. Lee advised his spouse and parents that Fernandez should be taken to the hospital for evaluation. He also advised Fernandez's spouse and parents that Dr. Lee could prescribe an anti-psychotic which would not have the side effects that Fernandez was experiencing.
65. There was no discussion that Fernandez had taken himself off any medication during this phone call.
66. Shortly after the above recommendation that Fernandez be hospitalized, Fernandez's spouse printed divorce papers off the internet, and asked Fernandez to sign them, due to an argument regarding Fernandez not speaking to Dr. Lee, before the treatment of hospitalization was made.
67. Fernandez states categorically that he was on all medications prescribed through October 28, 2021, when Dr. Lee executed his plan to cease all medication.
68. On October 19, 2021, Dr. Lee states in his records "But also the reality is that this is not an ideal scenario for me to prescribe meds given very differing view on what is going on with patient and in his house.
69. Dr. Lee fails to note in his records that on or about October 19, 2021, he had a conversation with Fernandez's spouse and his parents advising them that Fernandez should be taken to a hospital for evaluation, and that there were other anti-psychotic drugs that could be substituted that would not have the same side-effects of Zyprexa.

70. That on October 28, 2021, Dr. Lee states he had a telephone conversation with Fernandez. Dr. Lee states that Fernandez was off his meds for 3 weeks and was doing great. That he had no hint of psychosis/instability, no morning mental fog and was feeling much better, although not working. That Fernandez appears (though this was a telephone call) very lucid/insightful and shows no signs of internal abnormal stimulation. Dr. Lee then took Fernandez off all medication.

71. The above record is so contrary to the facts and self-serving that it is laughable.

72. Fernandez states that he called Dr. Lee on October 28, 2021, and explained that he and his wife were having marital difficulties and that his wife was going to file for divorce, and that his wife was using his continuing mental state against him, i.e., sleeping excessively and not having any memory until the afternoon of each day. Fernandez reported to Dr. Lee that he was having extreme anxiety over this situation, and asked that his spouse be removed from medical authorization. Fernandez also advised Dr. Lee that his recommendation to his wife and parents that he be hospitalized was creating excessive marital and family strife.

73. Dr. Lee responded to Fernandez that Dr. Lee could not prescribe him anything, thereby executing the plan he had previously documented without any consultation with Fernandez.

74. On October 28th, 2021, Dr. Lee refused to prescribe Fernandez any medication, and forced him off of the anti-psychotic, anti-anxiety, anti-depressant, and sleep medication, which he had been prescribed since March of 2020, as well as the ADHD medication that Fernandez had required since he was in his teens.

75. Dr. Lee's actions reduced the Zyprexa prescription from 5mg to zero in one day.

76. Dr. Lee advised Fernandez on October 28, 2020, that he could take any left-over Zyprexa at half doses for two weeks, and then he should be fine. The then current prescription was for 5 mg a day.
77. Also on October 28, 2021, Dr. Lee cut Fernandez's Adderall prescription from 60 mg a day to zero.
78. On returning home on October 28, 2021, Fernandez told his wife that Dr. Lee took him off all medication.
79. Fernandez's spouse, who appeared to have been already told this by Dr. Lee concerning taking Fernandez off all medication, had her bags packed at the front door. She handed Fernandez his prescriptions, left for eight days, consulted a divorce attorney, and then filed for divorce.
80. According to Dr. Lee's records on November 3, 2021, Fernandez's mother called Dr. Lee with concerns about Fernandez. Dr. Lee advised Fernandez's mother concerning the filing a petition for involuntary admission. He did not advise his mother concerning the side-effects of withdrawal symptoms from Zyprexa.
81. Fernandez's spouse and parents considered and refused to move forward with Dr. Lee's advice concerning commitment, and Fernandez's condition improved shortly thereafter.
82. On November 12, 2021, Dr. Lee prescribed 40 mg of Vyvanse (Adderall) for Fernandez, and told him with a smile "I cannot make you take your drugs".
83. Fernandez informed his wife on October 28th, 2021 that Dr. Lee would not prescribe him any medication. Fernandez's ex-wife left for a period of 8 days after October 28th, 2021, and started divorce

proceedings on November 6th, 2021. She filed divorce paperwork on December 6th, 2021, and finalized divorce proceedings on March 7th, 2022.

84. After October 28, 2021, Fernandez clinically crashed for a period of over a month, and entered a withdrawal stupor. Fernandez believes that he experienced severe and continuing side-effects of medication withdrawal through June of 2022.

85. On November 12, 2021, Dr. Lee's records indicate that Fernandez was suffering from situation anxiety and continued the Adderall prescription.

86. On December 12, 2021, Dr. Lee's records indicate that Fernandez was suffering from situation anxiety and continued the Adderall prescription.

87. Fernandez disputes this and similar characterizations.

88. On January 21, 2022, Dr. Lee's records indicate that Fernandez was suffering from situation anxiety, as he had been served with divorce proceedings, and continued the Adderall prescription.

89. Fernandez disputes this, as divorce papers were served on December 6th, 2021. Dr. Lee was aware of on-going marital issues going back to October 28th, 2021 or earlier, and that he was fully aware of the divorce proceeding before the January date above.

90. On February 7th, 2022, Fernandez was referred to Dr. Mateusz Dzikowski, who practices with Meier, for therapy. Dr Dzikowski performed an Initial Clinic Assessment, the first Clinic Assessment to be found in the medical records. The report found that Fernandez did not pose imminent risk of serious

harm to himself or others.

91. Fernandez disputes the date, but agrees with Dr. Dzikowski's assessment.
92. On March 1, 2022, Dr. Lee's records state that Fernandez took Depakote (a first-generation mood stabilizer) briefly and his stress level was reduced, and his mood level was more stable, although there is no mention in Dr. Lee's records of prescribing this drug.
93. Fernandez disputes this date, as the medication was taken for the first time in late December or early January.
94. On April 7, 2022, Dr. Lee continued to prescribe Adderall and added Ativan as a prescription.
95. The April, 29th, 2022, medical records indicate that Fernandez was reporting a larger issue. That his memory is clearer and he is quite distressed with regard to his relationship with ex-wife and parents.
96. Fernandez disputes this date, and the content of the medical record, and specifically denies making the above comment.
97. On May 3rd, 2022, Dr. Lee had a 20-minute conversation with Fernandez concerning lengthy emotional pleading emails concerning the devolution of his marriage the prior year. Fernandez was trying to make sense of what occurred and could not remember events from the prior two years. Dr. Lee prescribed Abilify 1 as a mood stabilizer and Ativan (anti-anxiety) to deal with panic and anxiety.
98. Fernandez disputes this, as the emails were sent to Dr. Lee to relay a sense of the pain and suffering that Dr. Lee had caused.

99. Fernandez denies that he was advised of the Abilify 1 prescription.
100. Fernandez also disputes the May 3rd, 2022 date. There is also no record of this being prescribed in the Walgreens records.
101. The May 29th, 2022 medical records reflect an unsolicited comment made by Dr. Lee to Fernandez, that Fernandez should talk with someone about how he talked to his now ex-wife. The record includes an e-mail wherein Fernandez cites certain instances to Dr. Lee concerning his recovering memory that reference his request, beginning in March of 2020 to lower the medication dosages, as during the time of treatment he could not get up in the morning, and that he could not remember anything until 5-6 p.m. each day.
102. Fernandez disputes this summary as the attached email references a whole lot more than Dr. Lee's depiction.
103. Dr. Lee then terminated his services and made three referrals.
104. Prior to the above meeting, although not in the medical records, Dr. Lee apparently sent some type of e-mail notice to Meier's personal injury law firm in Ohio.
105. Fernandez was notified of this by e-mail from Meier. The medical record attachments did not open, and the address of the law firm was an empty store front in an Ohio strip mall.
106. This email was sent between March 1st, and March 7th of 2022.

107. Fernandez responded to Meier's email by asking them what the email was for and notifying them that the attachment with the medical records was corrupt and would not open.
108. Fernandez did not receive a response from Meier.
109. After the above meeting, although not in the medical records, Dr. Lee blocked Fernandez e-mail correspondence. Fernandez received a blocked e-mail acknowledgement from Dr. Lee and more than five other members associated with Meier.
110. The medical records state that at no time was Fernandez a risk to himself or anyone else.
111. Fernandez believes that the medical records after September 27, 2021, unless specifically stated as agreed to above, have significant shifts in timing or are otherwise untrue.
112. Fernandez believes that Dr. Lee is trying to establish that he came off the drug regimen before October 28, 2021, when Dr. Lee advised Fernandez that he could not prescribe any medication for him.
113. Fernandez believes that Dr. Lee is attempting to cover for his professional incompetence and drug mismanagement.
114. The patient relationship with Dr. Lee was terminated on May 19, 2022.

ADDITIONAL ALLEGATIONS

115. Fernandez and his ex-wife had completed IVF in June of 2021, and would be having their first baby in 2022, if not for Dr. Lee's actions concerning the continuing drug regimen and his actions from March of 2020 and culminating on October 28th, 2021.

116. Fernandez attempted to save his marriage, under the threat of hospitalization, during forced withdrawal, as his doctor tore his life, marriage, and family to the ground with one error and misstep after another.

117. Dr. Lee caused the marital strife, prior to October 28th, 2021, by not advising Fernandez or his wife about or monitoring the side-effects of the Zyprexa being prescribed.

COUNT I
PROFESSIONAL NEGLIGENCE
FAILURE TO PROPERLY TREAT
MEDICAL CONDITION
(Extended Prescription of Anti-Psychotic
Drugs with No Diagnosis)

118. Plaintiff incorporates and re-alleges paragraphs 1 through 117 of the Complaint as though fully set forth herein.

119. Dr. Lee, in his records, makes the clinical assessment in April of 2020 of “F90.0, F29 unspecified psychotic disorder” concerning Fernandez’s condition.

120. Fernandez was being treated for auditory hallucinations, likely caused by a viral infection, according to subsequent medical opinions received from medical practitioners in the field.

121. According to the medical records, Dr. Lee conducted no empirical testing to attempt a more specific diagnosis, either before or after May 22th, 2020, the date according to medical records the auditory hallucinations ceased “due to treatment”.

122. The antipsychotic drug regimen, which began on March 11th, 2020, was continued through the end of October, 2021.
123. The medical records in October of 2021, still listed the clinical assessment as "F90.0, F29 unspecified psychotic disorder".
124. Dr. Lee did not have Fernandez undergo any testing to determine a diagnosis, and continued to treat Fernandez with high dose medication for seventeen (17) months after the psychosis had ceased.
125. The anti-psychotic drug regimen was started by Dr. Lee on March 11th, 2020 with the prescription of 1 mg Risperidone (anti-psychotic, 30 tablets), then March 23rd, 2020 with the prescription of .5 Olanzapine (Anti-psychotic, 30 tablets), then March 24th, 2020 with the prescription of 1 mg Risperidone (5 tablets), followed by an April 7th 2020 prescription of 5 mg Olanzapine (45 tablets). In late April of 2020 an additional supply of 5 mg Olanzapine (30-90 tablets), as well as 10 mg Olanzapine (30 tablets) were prescribed. On May 14th of 2020, additional 10 mg Olanzapine (30 tablets) was prescribed.
126. In June of 2020, a combination of 5 and 10 mg. of Olanzapine were prescribed.
127. The 15 mg. of Olanzapine prescription was reduced to 10 mg. level in July of 2020 through December of 2020, when the dosage was reduced to 7.5 mg.
128. In February of 2021, the dosage was reduced to 5 mg.
129. Prior to October 28th, 2021, Dr. Lee had advised Fernandez, on video, that he could take half doses (2.5 mg) for two weeks, then nothing thereafter, in order to come off the Olanzapine.

130. Fernandez took all prescriptions as directed, except for short periods during the course of treatment, until October of 2021. Fernandez followed Lee's instructions for withdrawal to the letter.
131. Given the age of Fernandez, in his late thirties, and with no history of a psychotic or bi-polar condition, he has been advised by three health care professionals that the proper diagnosis should have been an isolated (a "one- off") auditory event, possibly due to a food allergy, viral (COVID) infection - -- this was the start of the pandemic --- or trauma to the head.
132. Fernandez, in his employment, was exposed to clients returning from China in fall of 2019 and thereafter.
133. There is an article attached hereto concerning Potential New Neuropsychiatric conditions triggered by Novel Coronavirus infection. The case reports, attached as "Exhibit B", and minimal drug intervention are enlightening. This report was issue in early 2020.
134. The above has been substantiated with more recent reports, a copy of which is attached hereto as "Exhibit C".
135. The proper procedure, according to one mental health professional, along with additional research undertaken by Fernandez after medication withdrawal, should have been to prescribe the anti-psychotic through May of 2020 (when the auditory hallucinations ceased), and then to be weaned off the anti-psychotic medication at a 10% reduction in dosage per month.
136. The drug regimen should have been fully terminated in April of 2021, well before the marital issues began to develop with his spouse, as addressed hereinafter.
137. The prescription of the Olanzapine for 17 months after the underlying psychotic episode had

ceased resulted in Fernandez being over-medicated for a substantial period of time, especially given the side effects of Olanzapine.

138. Additionally, the large reductions, usually halving the medication, in dosage of Olanzapine instead of the 10% reductions caused numerous drug withdrawal issues.

139. The side effects of Olanzapine experienced by Fernandez, which are acknowledged in the medical literature as side effects of the drug, include accidental injuries, somnolence, articulation impairment, significant but temporary memory loss bordering on amnesia, lack of feeling or emotion, loss of vocabulary and language and speech, mask-like face, distorted balance and lack of motivation.

140. In March of 2020, Fernandez fell down the stairs of his house, and broke or severely sprained his leg, which was reported to Dr. Lee.

141. Dr. Lee apparently moved Fernandez off Risperidone to Olanzapine after this incident. This is moving from one form of an anti-psychotic drug to another type.

142. In mid-May of 2020, Fernandez reported to Dr. Lee that he had fallen into a window well at his house.

143. In May of 2020, after a second severe injury, Dr. Lee, instead of changing to another medication, increased the Olanzapine prescription. Fernandez has limited memory of anything after this, until June of 2021.

144. Fernandez, in addition to the above side-effects, had a severe and acute reaction to the anti-psychotic and was later informed, by two separate medical professionals, that he can never take that

specific anti-psychotic again, due to the severity of the side effects and the withdrawal symptoms. The reaction was intensified with the prescription of anti-anxiety, antidepressant, and sleep medication at the same time, which increases the incidence of somnolence.

145. The major side effect experienced was loss of memory or amnesia. Fernandez has limited memory from March of 2020 through June of 2021, although he is experiencing some recall as time goes on.

146. Dr. Lee did not advise Fernandez of the side effects and did not monitor them, even after Fernandez and his spouse both informed the psychiatrist, repeatedly, of issues related to the medication.

147. Fernandez had a physical inability to wake up before 10:00 a.m. and had no short-term or long-term memory recall until 5-6 p.m. each day.

148. The somnolence and significant memory loss are reported in the medical records, but not identified by Dr. Lee as the side-effects of Olanzapine.

149. The withdrawal symptoms from discontinuing the use of Olanzapine in October of 2021, none of which Dr. Lee advised Fernandez of, and which Fernandez experienced include temporary memory loss and amnesia, depersonalization, fatigue, migraines, irritability, panic attacks and extreme anxiety, confusion and lack of thought organization, fugue state/shock, loss of speech, unclear sense of self, difficulty recognizing emotional states, lack of motivation, and a false sense of well-being.

150. The extreme anxiety from withdrawal is described by Fernandez as "wobbling": going back and forth between anger, apathy, sadness, and being emotionally overwhelmed, and thought disorganization. This continued through June of 2022.

151. Also, given the severity of the acute reaction to Olanzapine, complete withdrawal from the drug may, in some cases - as advised by a medical professional he consulted and based on medical literature - take up to 18 months.
152. Fernandez believes that he experienced withdrawal symptom through October of 2022.
153. During the period of July through October 28th of 2021, Fernandez and his spouse had marital problems, which resulted in his spouse seeking consultation on November 6th, 2021 and filing for divorce on December 6th, 2021, with the decree becoming final in March of 2022.
154. His spouse spent an extended period of time away from Fernandez during the period of time when the psychiatrist refused to prescribe medication, from October 28, 2021 through November 5th, 2021.
155. Fernandez spent an extended period of time in his car and hotels, away from his spouse after October 28th 2021.
156. Fernandez believes that the psychiatrist's course of conduct and medication mismanagement were the reason for his divorce, causing significant emotional harm and pain to Fernandez and his spouse over a prolonged period of time, and significantly in September and October of 2021.
157. The couple had been together happily married since June of 2015.
158. That if the drug regimen had been appropriately terminated in April of 2021, the side effects would not have been present in July of 2021, nor would Fernandez or his spouse have been discussing his mental health, nor would Fernandez have been experiencing the side effects and then withdrawal symptoms of the drug regimen.

159. During the period of May of 2021 through March of 2022, Fernandez's spouse complained that he was mentally ill, and that his mental illness was the source of their problems, not knowing that what he was experiencing was side-effects of the drug regimen Dr. Lee had prescribed.
160. That Dr. Lee has a professional duty to determine a diagnosis before continuing treatment after the psychotic episode had been dealt with.
161. That Dr. Lee was negligent in continuing a high dose regimen of drugs, especially given Fernandez's reported side effects of memory loss and somnolence (as reflected in Dr. Lee's medical records), without testing and the formulation of a specific diagnosis.
162. During a critical period in their marriage, in late October through the middle of November of 2021, Dr. Lee refused to prescribe Fernandez any medication, including the ADHD medication (which was being used at a high dose to offset the side-effects of the anti-psychotic medication), and Fernandez, who was already in a medication coma from massive medication mismanagement dropped further into a stupor and a medication black hole of medication side-effects. This is the period in which his wife sought legal consultation and filed for divorce, and also the period of time when Fernandez experienced car flight, i.e., the only acceptable course of action was removing himself from the situation while he went through forced withdrawal from medication.
163. That without a diagnosis, the drug regimen should have ceased after successful treatment of the psychotic episode, and drug treatment should have been curtailed over a ten-month period (after May 5th of 2020), such that Fernandez would have been weaned off the drug regimen by April of 2021, before the time that the above marital difficulties began.

164. That Dr. Lee's failure to properly diagnose any condition, failure to inform of the side effects of medication, failure to listen to Fernandez's expression of the many side-effect symptoms he was experiencing, his continuing medication mismanagement regarding Olanzapine, the corresponding large increases in ADHD medication, and the general continuation of the drug regimen, and allowing the continuation of the major side-effects attributable thereto, were instrumental in causing Fernandez pain and anguish, and was the cause of marital difficulties and his ultimate divorce.

165. That as a direct and proximate cause of being overmedicated for over 15 months, that the disaffection and eventual divorce from his spouse resulted.

166. That Fernandez suffered extreme pain and anguish, personally, due to the overmedication.

167. That the damages pled hereafter under separate paragraph, are incorporated herein.

WHEREFORE, the Plaintiff prays this honorable Court find in its favor and enter judgment against the Defendant as to Count I of this Complaint in an amount in excess of \$100,000.00, and for any other relief the Court deems just and appropriate.

COUNT II
PROFESSIONAL NEGLIGENCE LACK
OF INFORMED CONSENT

168. Plaintiff incorporates and re-alleges paragraphs 1 through 167 of the Complaint as though fully set forth herein.

169. Fernandez states that at no time was he or his spouse advised of the side effects of the drug regimen Dr. Lee placed him on.

170. A complete listing of the side effects experienced by Fernandez are attached hereto as "Exhibit D". There is a separate chart for each medication prescribed as part of the drug regimen, i.e., Olanzapine (anti-psychotic), Ativan (anti-anxiety), Trazodone (sleep aid), Zoloft (anti-depressant). These drugs were prescribed together as part of the drug regimen.
171. The withdrawal effects for Olanzapine include: memory loss, amnesia, poor decision making, incapacitation, extreme anxiety, appetite change, concentration problems, confusion, depersonalization, depression, fatigue, migraines, irritability, mood swings, nausea, panic attacks, suicidal thinking, sweating, vomiting and weight loss, a false sense of well-being, panic attacks, lack of thought organization, fugue state/shock, loss of speech, unclear sense of self, difficulty recognizing emotional states, and lack of motivation.
172. The withdrawal symptoms from discontinuing the use of Olanzapine in October of 2021, none of which Dr. Lee advised Fernandez on, and which Fernandez experienced, include temporary memory loss and amnesia, confusion, poor decision making, incapacitation, depersonalization, fatigue, migraines, irritability, panic attacks and extreme anxiety, confusion and lack of thought organization, fugue state/shock, loss of speech, unclear sense of self, difficulty recognizing emotional states, lack of motivation, dermatological issues and a false sense of well-being.
173. Fernandez states that at no time was he or his spouse advised of the extremely severe side-effects or withdrawal effects and symptoms of Olanzapine.
174. During the period of July through November of 2021, Fernandez and his spouse had marital problems, which resulted in his spouse seeking consultation on November 6th, and filing for divorce on December 6th, with the decree becoming final in March of 2022. The spouse spent an extended period

of time away from Fernandez during the period of time when the psychiatrist refused to prescribe medication. Fernandez believes that the psychiatrist's course of conduct was the reason for the divorce, causing significant emotional harm and pain to Fernandez and his spouse over a prolonged period of time, and significantly in September and October of 2021. The couple had been happily married together for over six years.

175. During the period of October 2021 through March of 2022, Fernandez's spouse complained the he was mentally ill, and that his mental illness was the source of their problems, not knowing that what he was experiencing were side effects and withdrawal symptoms of the drugs Dr. Lee had prescribed.

176. That as a direct and proximate cause of not being advised of the side-effects and withdrawal effects of the drug regimen, that disaffection and eventual divorce from his spouse resulted.

177. That Fernandez and his spouse suffered extreme pain and anguish, due to Dr. Lee's failure to advise him of the side-effects and withdrawal effects of the prescribed medication.

178. That the damages plead hereafter under separate paragraph, are incorporated herein.

WHEREFORE, the Plaintiff prays this honorable Court find in its favor and enter judgment against the Defendant as to Count Iao this Complaint in an amount in excess of \$100,000.00, and for any other relief the Court deems just and appropriate.

COUNT III
PROFESSIONAL NEGLIGENCE
FAILURE TO MONITOR SIDE-
EFFECTS

179. Plaintiff incorporates and re-alleges paragraphs 1 through 178 of the Complaint as though fully set forth herein.

180. During the period of March of 2020 through October of 2021, Fernandez was sleeping late, had no memory before about 5-6 p.m. each day, was experiencing significant cognitive decline, had slowed speech, bad balance, work performance decline, and a decline in interpersonal skills.

181. Fernandez forgot that he and his spouse had gone through three IVF procedures in 2021. Permanent and temporary memory loss and amnesia are major side-effects of Olanzapine.

182. Fernandez suffered night terrors from March of 2020-November of 2021.

183. Fernandez could not read beyond the first paragraph in a book and experienced significant cognitive decline from March of 2020.

184. Fernandez had a severe and acute reaction to the anti-psychotic, intensified with the prescription of anti-anxiety, antidepressant, and sleep medication at the same time, which increases the incidence of somnolence among numerous other side effects.

185. The memory loss during this period was due to the medication regimen, or inappropriate withdrawal, and bordered on amnesia, which is listed as an extreme side effect to Olanzapine. His memory has slowly returned, and Fernandez made sure to keep the events as they happened, in the interest of testifying for himself, in order, even though uncontrolled forced withdrawal.

186. During this period, Fernandez continually advised Dr. Lee of what he believed to be side-effects, and that he was overmedicated.

187. Dr. Lee notes some of these statements in his 2021 medical records.
188. Although requested, the Telehealth videos have not been provided, Meier stating that they are not in Fernandez's medical records. The majority of the appointments were video.
189. Dr. Lee, as a highly trained professional in the field, had a duty to monitor for side effects from the drug regimen being prescribed, especially given the long and detrimental list of possible side effects.
190. Not until October 25th, 2021 (according to the medical records) does Dr. Lee state he offered Fernandez an alternative anti-psychotic which would not have as strong of side effects, acknowledging that he was finally doing something concerning the side effects.
191. That Dr. Lee's failure to monitor the side effects of the drug were instrumental in causing Fernandez pain and anguish, and was a major contributing factor in causing difficulties in his marriage and ultimate divorce.
192. That Fernandez suffered extreme pain and anguish, personally, due to the medication's side-effects not being monitored.
193. That the damages plead hereafter under separate paragraph, are incorporated herein.

WHEREFORE, the Plaintiff prays this honorable Court find in its favor and enter judgment against the Defendant as to Count III of this Complaint in an amount in excess of \$100,000.00, and for any other relief the Court deems just and appropriate.

COUNT IV
GROSS PROFESSIONAL NEGLIGENCE
- FAILURE TO MANAGE OR ADVISE
OF THE WITHDRAWAL
SYMPTOMS(OLANZAPINE)

194. Plaintiff incorporates and re-alleges paragraphs 1 through 193, of the Complaint as though fully set forth herein.

195. On October 28th, 2021, Fernandez and Dr. Lee conversed via phone call.

196. Fernandez had not spoken with his doctor since their Telehealth appointment in late September of 2021.

197. Fernandez states that through October 28th, 2021, he had taken his prescriptions pursuant to instructions.

198. Fernandez, at that time, had a supply of all his prescribed medication, except for the D-Amphetamine (the ADHD) medication, as this prescription was generally prescribed for thirty (30) days, the last prescription being filled on September 23rd, 2021 for 20 milligrams, 90 tablets.

199. The above would be a prescribed daily dosage of 60mg a day of the ADHD medication, and Dr. Lee had cleared Fernandez, in mid-2021 during a Telehealth video conference, for 60-80mgs a day.

200. This would be considered an extremely high dosage and atypical for Fernandez, prior to 2020, and was used to counteract the other drugs, which were part of drug regimen.

201. In comparison from January 24th, 2021, through April 22nd, 2021, Dr. Lee prescribed a dosage of

the same medication at 60mg a day to deal with side-effects. Fernandez's normal dosage for this medication was a baseline of 25mg.

202. Mr. Fernandez's current clinic is prescribing 20 mg of ADHD medication for Fernandez, and Fernandez states that this amount is his norm and has been since he was a teenager.

203. Dr. Lee refused to prescribe any medication for Fernandez from October 28th, 2021 to November 12th, 2021.

204. Dr. Lee stated on October 28th, 2021, that he could not prescribe any medication for Fernandez.

205. Fernandez had no other choice but to come off of his other medications, as he had a limited supply; additionally, without the Adderall, Fernandez was nonfunctional, due to side effects of medication and withdrawal.

206. Dr. Lee advised Fernandez in September of 2021, that the appropriate method of withdrawal would be to reduce his intake of the 5 mg Olanzapine to 2.5 mg of Olanzapine for a two-week period, and then go off the drug completely.

207. Fernandez followed these instructions to come off the drug.

208. Fernandez dropped into a withdrawal state and was mostly nonfunctional for the better part of a month after October 28th, 2021, however, he did attend his Telehealth appointment on November 12th, 2021.

209. On November 12th, 2021, the Telehealth video conference started with Dr. Lee stating that he

couldn't make Fernandez take his medication. Dr. Lee had a smirk on his face and seemed to be making light of the situation. Dr. Lee then asked Fernandez if he was acting.

210. Fernandez took this personally, because between October 28th, 2021 and November 12th, 2021, his face melted with extensive dermatological issues.

211. Fernandez stated on November 12th, 2021, that he had never asked for help regarding hospitalization.

212. Fernandez has been recently advised by medical professionals and his own review of the literature on the topic of Olanzapine weening, that the correct manner to come off the Olanzapine prescription is to reduce the dosage by 10% a month, in order to avoid severe withdrawal symptoms, i.e., temporary memory loss, emotional instability, fatigue, migraines, extreme anxiety and panic attacks – among other symptoms.

213. Dr. Lee did not advise Fernandez of the correct weening process or the withdrawal symptoms to be expected.

214. Dr. Lee did not offer medication to deal with the withdrawal symptoms until January 31st, 2022, when he offered Fernandez Depakote ER 250 (a first-generation mood stabilizer). This is according to Walgreens prescription history, a summary of which is attached as "Exhibit A".

215. Fernandez disputes the Walgreens prescription history, as to dates and number of times the prescription was filled. The prescription was filled once for a total of 30 pills.

216. Fernandez took the Depakote, which was prescribed PRN, from late December of 2021 or early January, of 2022, through September of 2022. Fernandez was later advised, by two different specialists

in the field, that Depakote should not be taken PRN. The Depakote dealt with an extremely limited range of the withdrawal symptoms being experienced, specifically the moodiness. Depakote did nothing for depersonalization, fatigue, migraines, panic attacks, extreme anxiety, confusion and lack of thought organization, fugue state/shock, loss of speech, unclear sense of self, difficulty recognizing emotional states, lack of motivation, dermatological issues and a false sense of well-being.

217. This period, from the period of October 28th, 2021 through November 12th, 2021, was a critical period in Fernandez's relationship with his spouse.
218. His spouse left for eight days after October 28th, 2021, as Dr. Lee would not prescribe medication, and upon her return, consulted with a divorce attorney on November 6th, 2021 and filed for divorce on December 6th of 2021. The Divorce was finalized on March, 7th, 2022.
219. During the fall of 2021, through April of 2022, Fernandez was living under the threat of hospitalizations recommended by Dr. Lee to his spouse and parents.
220. After October 28th, 2021, Fernandez spent three months sleeping on bags of ice, because the migraines were so bad, he couldn't fall asleep and stay asleep.
221. After October 28th, 2021, Fernandez was waking up 3-4 times a night from severe migraines.
222. After October 28th, 2021, Fernandez was waking up 3-4 times a night, gasping for air, because he had quit breathing in his sleep.
223. Fernandez has never quit breathing before, in his life.

224. Fernandez spent three weeks to a month with visual impairment issues, everything he visually saw was the wrong color, specifically everything he saw was tinted with reds, oranges, and yellows, giving him the sense that he was literally living in hell.
225. Fernandez had new and extensive dermatological issues, which he refers to as his face "melting". There is extensive scarring, discoloration and patchiness to the skin on his face and arms, which started on October 28th, 2021, and continued to get worse afterwards. This is a withdrawal side-effect of Olanzapine.
226. Fernandez's divorce became final in March of 2022.
227. Given the side effects of withdrawing from the drug regimen, i.e., extreme anxiety and panic attacks (among others), fear of hospitalization and an increase in unneeded medication, not being advised that he was experiencing extreme withdrawal symptoms, not having those symptoms managed, his spouse not being advised by Dr. Lee of the side-effects and withdrawal symptoms of the drug regimen, Fernandez was not able to reconcile with his Spouse.
228. Fernandez gave his wife everything, because he was incapacitated and incapable of making rational decisions for himself, due to Dr. Lee's decisions to force him off of his medication, and failure to advise of the severe withdrawal effects from Olanzapine and other medications. Fernandez holds Dr. Lee responsible.
229. As a direct and proximate cause of the matters pled herein, Dr. Lee was primarily responsible for the divorce of Fernandez and his spouse.
230. That but for Dr. Lee's negligence in dealing with the medical care of Mr. Fernandez, he would not

be divorced.

231. That but for Dr. Lee's negligence he would not have experienced the pain and anguish related to the divorce, extensive monetary and financial damages, as well as the physical pain and anguish related to the drug withdrawal symptoms.

232. That Dr. Lee's negligence resulted in the damages pled hereafter under separate paragraph, which are incorporated herein.

WHEREFORE, the Plaintiff prays this honorable Court find in its favor and enter judgment against the Defendant as to Count IV of this Complaint in an amount in excess of \$100,000.00, and for any other relief the Court deems just and appropriate.

COUNT V
HIPPA VIOLATIONS

233. Plaintiff incorporates and re-alleges paragraphs 1 through 232 of the Complaint as though fully set forth herein.

234. That Dr. Lee's twenty-five-minute conversation on October 6th, 2021 with Fernandez's parents suggesting hospitalization was in violation of Fernandez medical rights under HIPPA. Fernandez disputes this date, and states that the threat of hospitalization was levied against him a few days before October 28th, 2021. He spoke to Dr. Lee on October 28th, 2021 and said that he believes that he made a mistake regarding hospitalization and he would like his mom and wife removed as points of contact on his medical records. His father was not authorized to speak or email with Dr. Lee until Fernandez cleared him after October 28th, 2021, in writing. There were email communications between his father and Dr.

Lee from his father's email address, and Fernandez was shown one of these emails.

235. That Meier Clinics failure to produce complete medical records upon request, in particular not producing video footage of the appointments, and not producing records before 2021, are a violation of his medical rights under HIPPA.

236. That the submission of his medical records to a private injury firm, as required under HIPPA, without a correct medical link to the records is in violation.

237. That the submission of the medical records was not to a qualified private injury firm. The empty store front in Ohio does not qualify.

WHEREFORE, the Plaintiff prays this honorable Court find in its favor and enter judgment against the Defendant as to Count V of this Complaint in an amount in excess of \$100,000.00, and for any other relief the Court deems just and appropriate.

COUNT VI
FALSE MEDICAL RECORDS

238. Plaintiff incorporates and re-alleges paragraphs 1 through 238 of the Complaint as though fully set forth herein.

239. Fernandez believes that the medical records provided after September of 2021, have been altered as far as the timeline regarding statements recorded, and as otherwise stated herein.

240. Fernandez believes this was an attempt by Dr. Lee to deflect his significant medication mis-

management, unauthorized communications with his wife and family, uninformed consent regarding the side-effects and withdrawal symptoms of Olanzapine and other medications, as well as not managing the side-effects or withdrawal symptoms, as a cause of Fernandez's divorce.

241. Fernandez states that information provided to Dr. Lee on October 28th of 2021 and in emails from May of 2022 have been sprinkled around in September and October of 2021.

242. That Dr. Lee has a professional duty to maintain accurate medical records.

243. That Dr. Lee's misrepresentation of events in the medical records was intentional, in order to deflect responsibility for Fernandez's divorce.

244. That Dr. Lee's falsification of medical records is intentional fraud.

245. The Dr. Lee is primarily liable for the damages pled in the damages section of this petition, which is incorporated herein.

246. That Dr. Lee's malicious intent is subject to punitive and treble damages.

WHEREFORE, the Plaintiff prays this honorable Court find in its favor and enter judgment against the Defendant as to Count VI of this Complaint in an amount in excess of \$100,000.00, and for any other relief the Court deems just and appropriate.

COUNT VII
INTENTAIONAL MALFEASENCE
TO DO BODILY HARM

247. Plaintiff incorporates and re-alleges paragraphs 1 through 246 of the Complaint as though fully

set forth herein.

248. Fernandez believes that due to the threat of hospitalization, during a critical period of his marriage, without speaking to Fernandez, that he was essentially coerced out of his home by Dr. Lee.

249. Fernandez attempted to speak with Dr. Lee and express his fears of hospitalization.

250. Fernandez believes that Dr. Lee's intention was to temporarily or permanently disable Fernandez, cognitively, from the side-effects of withdrawal and force him into hospitalization, and to an increase in medication.

251. Dr. Lee escalation of this situation and his gross misconduct and intentional actions, due to Dr. Lee's failure to monitor side-effect or manage the same, brought grievous harm to Fernandez, both emotionally and physically, and resulted in significant pain and loss, and was the primary cause for his divorce.

252. Fernandez was given no choice – as Dr. Lee would not continue his medical prescriptions, and Fernandez would not agree to hospitalization, nor did he require hospitalization.

253. Dr. Lee's intent was for the unadvised withdrawal side-effects to require hospitalization, and then would Dr. Lee would re-establish the undiagnosed drug regimen.

254. Dr. Lee essentially backed Fernandez into a corner with his threats and actions and left no other outcome besides divorce.

255. Dr. Lee's actions were a malicious attempt to validate his false position concerning the medication regimen, which caused significant pain, suffering and emotional trauma to Fernandez.

256. The Plaintiff incorporates the list of damages stated later herein, as damages resulting hereunder.

WHEREFORE, the Plaintiff prays this honorable Court find in its favor and enter judgment against the Defendant as to Count VI of this Complaint in an amount in excess of \$100,000.00, and for any other relief the Court deems just and appropriate.

DAMAGES

257. Due to the Dr. Lee's lack of a specific diagnosis, the lack of testing, the extended period of drug prescription past last occurrence of symptoms, the undisclosed side effects, the psychiatrist's refusal to listen to Fernandez concerning the side effects, the psychiatrist's failure to monitor or to disclose to Fernandez the side effects of the drugs being prescribed, the failure of the psychiatrist to monitor or advise Fernandez or his spouse of drug withdrawal symptoms, the psychiatrist's failure to continue prescribing medication for a pre-diagnosed health issue, the psychiatrist threatening hospitalization without ever informing or consulting Fernandez, HIPPA violations, and causing excessive pain, suffering, misery, and loss of affection, Fernandez incurred the following damages:

258. **Divorce:** During the treatment period, Fernandez's relationship with his spouse deteriorated to the point where his spouse filed and received a divorce.

259. **Legal Fees of Divorce:** Fernandez incurred \$2,500 in attorney's fees.

260. **Loss of Children:** Fernandez and his spouse had undertaken three IVF procedures and produced viable eggs. The divorce settlement provides the wife custody of the eggs, and Fernandez accepted the classification of "sperm donor". Fernandez knew this may be his spouse's only opportunity to have

children and wanted her to have this chance. Fernandez and his ex-spouse have 10 viable embryos. He has relinquished his parental rights to the embryos but could potentially be made to pay child support. Six of the 10 embryos are deviant and could require life-time care due to deficiencies in their DNA. Fernandez has been advised that his ex-spouse may break the marital settlement agreement and seek child support without visitation rights. The life-time support for a healthy child is projected at \$2,625,480.00. The life-time support for a disabled child is projected to be \$4,970,000.00. This combines for a total life-time liability for the healthy embryos of \$10,501,920.00. The life-time liability for the deviant embryos is \$29,820,000.00.

261. **IVF Reimbursement Expense:** \$20,000.00

262. **Future Life-Time Support Liability Incurred:** \$40,321,920

263. **Loss of Home:** Fernandez conceded his marital interest in his home to his spouse. Moving and storage expenses also added an extra burden to Fernandez's recovery and ability to move forward with his life. Fernandez's state of mind due to withdrawal symptoms caused him to concede everything to his spouse. sold. Fernandez received \$12,500.00 from his spouse as the marital settlement. These funds came from the marital estate and would have remained part of the estate, except for the divorce.

264. **Replacement Value of Home per Independent Appraisal:** \$311,000.00

265. **Reimbursement Expense for MSA Settlement:** \$12,500.00

266. **Physical Injuries:** Physical injuries during the period of anti-psychotic prescription: severely sprained or broken leg, broken bone in the hand, and five bruised ribs due to falls. Fernandez also has four cracked teeth due to stress, night terrors, extensive scarring of the face from dermatological issues,

known to be a side effect of Olanzapine, malnutrition and loss of weight due to stress and loss of appetite. This expense is non-reimbursable and will affect Fernandez for the rest of his life.

267. **Car flight:** Fernandez spent a significant amount of time in his car, thinking it was the only safe place for him to be after threatened hospitalization during an extended period of withdrawal side effects. Fernandez drove 70,000 miles during the period of forced withdrawal from the medication. The resale value on the vehicle is significantly decreased due to excessive mileage, year over year.
268. **Replacement Value of Vehicle:** \$60,000.00
269. **Loss of Community:** Fernandez has a strained relationship with his friends and family due to no one understanding what was going on. The divorce that Fernandez was going through, the withdrawal symptoms affecting Fernandez's communication skills, and Fernandez not knowing what was wrong with him have put an inordinate amount of strain on Fernandez, his ex-spouse, his family, and his friends. Fernandez's loss of community is irreplaceable.
270. **Professional Reputation:** Fernandez has had an inability to consistently work, which has affected his relationship with his clients, and created stress in his workplace. Fernandez has also had to take out an employee loan in the amount of \$25,000 to cover his living expenses.
271. **Employee Loan Reimbursement Expense:** \$25,000.00
272. **Loss of Future Business Income:** Until March of 2020, Fernandez was in school to complete his degree in accounting, in the interest of taking over the family business, when the primary retired. After March of 2020, Fernandez was unable to continue attending school, due to the devastating side-effects from the medication regimen he was on. His degree is incomplete and he no longer believes

that he is capable of completing the requirements in the allotted period of time. He believes at this time that taking over the business will not be possible due to the long list of consequences he suffered from Dr. Lee's medication mismanagement, and general negligence. The business generated \$180,000 a year in income, and accountants typically work well into their 70's.

273. **Loss of Future Business Income:** \$6,300,000

274. **Loss of Family:** Fernandez states that significant rifts have formed between himself and his immediate and extended family, and he lives in an extended and frequent conflict state due to over-medication, medication psychosis, forced medication withdrawal, and the associated anxiety. Loss of family is irreplaceable.

275. **Loss of Marital Property:** Almost everything that was non-personal effects was given to spouse.

276. **Replacement Value of Marital Property:** \$100,000.00

277. **Loss of Credit:** A 60-point reduction to Fernandez's credit score occurred due to the loss of a credit account that he and his spouse maintained. Prior to paying down his credit cards, Fernandez's credit usage was at over 60%. This can be attributed, yet again, to a false sense of wellbeing while on the medication. Once Fernandez came off of the medication, he began having panic attacks due to his dire financial situation. Fernandez was unable to get an apartment for months after coming off his medication due to poor credit score.

278. **Loss of Financial Stability:** All assets with present and future value have been turned over to Fernandez's spouse. Fernandez was essentially incapable of caring for himself towards the end of their relationship and couldn't handle the responsibilities of maintaining material assets due to medication

withdrawal

279. **Loss of Trust:** Fernandez states that he no longer has trust in the people around him including medical, legal, mental health and other professionals.

280. **Loss of Hope for the Future:** The complete and catastrophic collapse of Fernandez's life due to the issues listed above has significantly impacted his ability to function, both personally and professionally. Fernandez states that he has concerns about the present and future use of his medical information, loss of confidentiality, loss of privacy, a general sense of unwellness and an inability to move forward in his life. Fernandez suffers panic attacks when discussing his previous marriage, his mental health (which turned out to be the side effects and withdrawal of strong medication) and his life in general. Fernandez has panic attacks when talking to medical professionals. Fernandez is also worried about the potential for negative future implications as he moves through his life. Fernandez states that he has suffered unbearable pain, heartache, extreme stress, and major emotional trauma due to the losses listed. He fears that some of his memories may never return. He has fears that he could potentially end up homeless. He mourns the loss of his self-respect and his reputation. He also wishes that the time wasted rebuilding his memory (months), his time rebuilding the perception of his now new and unwanted life, and the real and actual time he has spent attempting to rebuild his relationships in the prime of his life, had been used in other ways. Fernandez also has a general sense that people are always messing with him after the traumatic statements from his psychiatrist, who he believes never took him seriously. Fernandez currently is sleeping on a couch, is worried about being alone, and is unmotivated to rebuild his life.

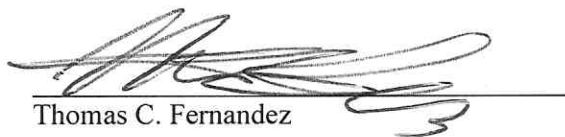
281. **Negative Legal Impact:** Shortly after the divorce was entered, and prompted by Dr. Lee, Fernandez sent a variety of e-mails concerning his psychiatrist's treatment to his ex-spouse and her extended family. Due to his general condition from the withdrawal from the drugs and as they were excerpts from his journal during withdrawal, the emails further damaged his relationships

282. **Loss of Marital Settlement Agreement Rights:** Fernandez is also prevented from seeing his dog.

283. **Medical Expense:** Fernandez is undergoing weekly therapy to deal with the aftermath of what occurred. The cost of the weekly therapy is \$189.00 an hour.

284. **Educational Delay:** Fernandez was enrolled in college to complete his undergraduate accounting degree, and has been delayed in the same for the last two years, resulting in missed salary increased approximating \$30,000.00.

Respectfully Submitted



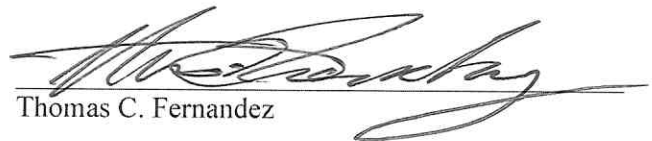
Thomas C. Fernandez

Thomas C. Fernandez
480 E. Roosevelt Road, Suite 203
West Chicago, Illinois 60185
Phone: 630-630-649-4467
E: Mail: TCFernandez@ProtonMail.Com

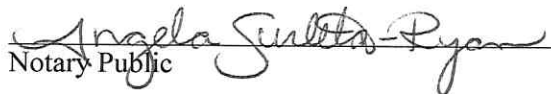
VERIFICATION

Stat of Illinois }
County of DuPage } SS

The undersigned, deposes and states that he is the Plaintiff in this matter, and under penalties of perjure, does hereby state that the information contained herein is true and correct to his best knowledge and belief.


Thomas C. Fernandez

Subscribed and sworn to before me this
29th day of Nov., 2022


Notary Public

