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Attorneys for Plaintiff, Jamie Pietrantonio, Administrator of the Estate of Janel R. Miller, deceased

FILED IN MERCER  
COUNTY

2020 SEP 11 AM 10:40

RUTH A. BICE  
PROTHONOTARY

JAMIE PIETRANTONIO, Administrator of the  
Estate of JANEL R. MILLER, deceased,

Plaintiff,  
vs.

ASHRAF RAZZAK, M.D., deceased, OLIVIA  
E. Razzak, Executrix of the Estate of ASHRAF  
RAZZAK, M.D., deceased, CHRISTINA L.  
COLE, FNP-BC, and PAIN, SPINE,  
AESTHETIC & WELLNESS CENTER, P.C.,  
individually, jointly, severally and/or in the  
alternative,

Defendants

COURT OF COMMON PLEAS  
MERCER COUNTY

CIVIL ACTION-LAW

NO. 2020-02241

**CIVIL ACTION - COMPLAINT**  
**MEDICAL MALPRACTICE**

1. Plaintiff, Jamie Pietrantonio, is an adult individual and citizen of the Commonwealth of Pennsylvania, located at 2175 Saratoga Drive, Hermitage Pennsylvania 16148.

2. Ms. Pietrantonio, the sister of Decedent, is the Administrator of the Estate of Janel R. Miller, deceased. *A true and correct copy of the Letters of Administration are attached as*

*Exhibit "A"*.

3. Janel R. Miller was born on July 16, 1969, and passed away on September 2, 2018.

4. Defendant, Ashraf Razzak, M.D., deceased, ("Dr. Razzak") is a physician, who at all relevant times was duly licensed in Pennsylvania and practicing medicine as a medical doctor and specializing in pain management utilizing opioid/opiate therapy, with professional medical offices and a business address located at 3055 Innovation Way, Hermitage PA 16148, as well as other locations.

5. Defendant, Pain, Spine, Aesthetic & Wellness Center, P.C., ("The Pain Center") located at 3055 Innovation Way, Hermitage PA, 16148, as well as other locations, was and is a Pennsylvania corporate/business entity that at all times relevant hereto was providing health care services for profit in the State of Pennsylvania which regularly engages in the practice of medicine and through its agents, principals, servants and employees, is obliged to bring to bear the professional skill, knowledge and care required to practice pursuant to safe and accepted standards of medicine.

6. It is believed and averred that Dr. Razzak was at all times relevant hereto a majority shareholder in and principal of The Pain Center and was acting as its agent or directly for himself and the corporation while providing health care services to decedent.

7. At all relevant times hereto, Dr. Razzak was engaged in the practice of medicine as a medical doctor and more specifically the practice of pain management with opioid/opiate therapy, and was obliged to bring to bear in the practice of his profession and pain management through the prescribing of highly dangerous, addictive and lethal opiates, the professional skill, knowledge and care in accordance with reasonably safe and accepted standards of care within the

medical community.

8. Defendant, Christina L. Cole, FNP-BC. (“Nurse Cole”) is a Board Certified Family Nurse Practitioner, who at all relevant times was duly licensed and practicing medicine and providing healthcare services as a Certified Family Nurse Practitioner with The Pain Center medical offices located at 3055 Innovation Way, Hermitage PA 16148, as well as other locations.

9. It is further believed and averred that Nurse Cole was acting as an agent, servant and work person for The Pain Center or directly for herself and the corporation while providing health care services to decedent with and/or under the supervision of co-defendant physician, Dr. Razzak.

10. At all relevant times hereto Nurse Cole was engaged in the practice of nursing as a Nurse Practitioner at The Pain Center, specifically the practice of pain management with opioid/opiate therapy, and was obliged to bring to bear in the practice of her profession and pain management through the prescribing of highly dangerous, addictive and lethal opiates, the professional skill, knowledge and care in accordance with reasonably safe and accepted standards of care within the medical community.

11. At all relevant times Janel R. Miller was under the medical care, treatment and attendance of the aforementioned defendants directly or through their agents, servants, and/or employees (including ostensible agents) and under their direct control or right of control.

12. At all relevant times hereto, Defendants undertook to provide health care and professional services to Janel R. Miller, now deceased, and doctor/patient and nursing/patient relationships were established between decedent and defendants.

13. Plaintiffs are making professional liability claims against Defendants, Ashraf Razzak, M.D.; The Estate of Ashraf Razzak, M.D.; Pain, Spine, Aesthetic & Wellness Center, P.C. and Christina L. Cole, FNP-BC. *A copy of the Plaintiff's Certificate of Merit is attached hereto as Exhibit "B".*

14. Prior to her death on September 2, 2018, Decedent, Janel R. Miller, was an established patient of the afore-mentioned named Defendants.

15. Janel R. Miller first became a patient of Dr. Razzak, Nurse Cole and The Pain Center on or about May 21, 2012 and continued treating with the defendants through August 25, 2018, eight days prior to her death.

16. Prior to initiating treatment Defendants were required to perform the necessary risk assessment and screening prior to any prescribing of Schedule II Controlled Dangerous Substances and which Defendants failed to perform.

17. Defendants were required to perform a detailed, initial medical history and complete examination prior to the prescribing of multiple Schedule II Controlled Dangerous Substances which Defendants failed to perform.

18. Defendants were required to formulate an actual and specific medical diagnosis of their own for decedent prior to the prescribing of multiple Schedule II Controlled Dangerous Substances and Schedule II controlled substances individually and/or simultaneously which Defendants failed to render and Defendants failed to devise and implement any treatment plan other than the excessive prescribing of multiple Schedule II Controlled Dangerous Substances from the commencement of treatment through decedent's death.

19. Ms. Miller saw Defendants in their medical office, usually at monthly intervals, which did not involve any actual treatment, diagnostic testing, specialist referrals; rather, at each visit the Defendants repeatedly issued multiple prescriptions for dangerous and deadly combinations of Schedule II Controlled Dangerous Substances that were known to be highly addictive and deadly when prescribed in large doses, concomitantly and on a regular basis over many years.

20. The frequency, amount and potency of the multitude of Schedule II narcotic drugs prescribed by Dr. Razzak and Nurse Cole to the Decedent was known or should have been known to be highly addictive, dangerous and lethal.

21. During these numerous office visits, the afore-mentioned Defendants never ordered blood work, diagnostic tests, referred decedent to any specialist or monitored Ms. Miller's liver or pulmonary function. Defendants had no treatment plan other than the reckless prescribing of extreme amounts and combinations of opioids and other drugs that they should have known would cause addiction and risk of death.

22. These tests were indicated by the appropriate standard of care due to the known propensity of narcotic medication to cause addiction, liver complications, kidney failure and suppression of respiratory function.

23. Defendants failed to properly maintain Decedent's medical records in violation of Pennsylvania law. Treatment records from 5/21/2012 through April 15, 2016 are missing in their entirety. Records which have been provided were signed after the death of Janel Miller and appear to have been altered. Defendants kept no copies of prescriptions.

23. Records from the year 2016 indicate Decedent had 8 office visits with Defendants. Office notes from five appointments with Nurse Cole were electronically signed

contemporaneously by Nurse Cole, on or about the actual date of the office visit. Office notes from three appointments with Dr. Razzak on 4/15/16, 5/13/16 and 11/4/16 were all electronically signed by Dr. Razzak on 1/21/2019, more than two years after the office visits and more than 4 months after the death of Janel Miller.

24. Records from the year 2017 indicate Decedent had twelve office visits with the Defendants. Office notes of all 12 appointments with Nurse Cole were all signed on 10/10/2018 and minutes apart, more than a month after the death of Janel Miller. Office notes from Dr. Razzak for the 8/2/2017 and 9/7/2017 appointments were both electronically signed by Dr. Razzak on 11/5/2018, more than a year after the office visits and more than two months after the death of the Janel Miller.

25. Records from the year 2018 indicate Decedent had 8 office visits at Defendants' practice all with Nurse Cole. Ms. Cole did not sign her office notes contemporaneously with each visit; rather, Nurse Cole electronically signed all of her 8 office notes on 10/10/2018 within minutes apart, more than a month after the death of Janel Miller.

26. The medical records of Ms. Miller that still exist and were provided show that over the course of her treatment with the Defendants **at least** 164 narcotic prescriptions were written consisting of **at least** five thousand, eight hundred and eighty five (5,885) oxycodone pills and eight thousand, eight hundred and fifty five (8,855) tablets of morphine.

27. On August 24, 2018 Decedent was given two prescriptions, one for 90 tablets of morphine and the other for 60 oxycodone pills. On September 2, 2018 Janel Miller died from "combined prescription drug toxicity."

28. Defendants repeatedly disregarded and violated Pennsylvania law by failing to conduct appropriate and timely examinations, failing to develop an appropriate treatment plan,

failing to order appropriate testing, failing to maintain proper patient records and by failing to make appropriate specialist referrals.

29. Defendants not only violated Pennsylvania law, but also violated the acceptable and appropriate standard of care that applied and was owed to Janel Miller to do no harm.

30. Despite the ineffectiveness of the narcotic medication being prescribed, Defendants completely ignored the high risk of addiction and death and continued to negligently and recklessly prescribe dangerous amounts of Schedule II narcotics and combinations of other drugs until Janel Miller passed away on September 2, 2018 from of an adverse reaction (drug toxicity) to the prescription medication being prescribed by Dr. Razzak and Nurse Cole.

31. The grievous injuries, pain and suffering and death of Janel Miller, were caused solely and exclusively by the aforementioned actions of the Defendants, jointly, severally and/or individually, and/or by their agents, servants, and employees, and were due in no manner whatsoever to any act or failure to act on the part of Ms. Miller.

**FIRST CAUSE OF ACTION  
WRONGFUL DEATH**

**Jamie Pietrantonio, Administrator of the Estate of Janel R. Miller, deceased v. Ashraf Razzak, M.D., deceased, Olivia E. Razzak, Executrix of the Estate of Ashraf Razzak, M.D., deceased, Christina L. Cole, FNP-BC, and Pain, Spine, Aesthetic and Wellness Center, P.C., individually, jointly, severally and/or in the alternative**

32. The previous paragraphs are incorporated herein as though fully set forth herein at length.

33. Plaintiff, Jamie Pietrantonio, brings this action on behalf of the Estate of Janel R. Miller under and by virtue of the Wrongful Death Act, 42 Pa. C.S.A. §8301, and the applicable Rules of Civil Procedure and decisional law.

34. As a result of the wanton, reckless and negligent acts and omissions of Defendants, Janel R. Miller was caused to suffer grave injuries and death resulting in the entitlement to damages to the Estate of Janel R. Miller.

35. Jamie Pietrantonio, Administrator of the Estate of Janel R. Miller, deceased, claims all executrix's expenses recoverable under the Wrongful Death Act, including, but not limited to damages for hospital, medical, funeral and burial expenses and all expenses of administration made necessary because of Janel R. Miller's death.

36. The Wrongful Death Act beneficiaries are:

a) Judith Rauso-Mother-5-20-41

37. On behalf of the Wrongful Death Act beneficiaries, the Administrator claims damages for monetary support that decedent would have provided to the beneficiaries during their lifetime, including, but not limited to the support provided or which could have been expected to have been provided to the beneficiaries.

38. On behalf of the Wrongful Death Act beneficiaries, the Administrator claims damages for loss of companionship, comfort, society, guidance, solace, and protection by the decedent.

39. On behalf of the Wrongful Death Act beneficiaries, the Administrator claims damages for the full damages allowed under the Wrongful Death Act of Pennsylvania and decisional law interpreting the Act.

**WHEREFORE**, Plaintiff demands damages against the Defendants, including punitive damages, jointly and severally, in an amount in excess of \$50,000.00 and in excess of the prevailing Arbitration limits under the Wrongful Death Act, exclusive of pre-judgment interest, post-judgment



interest and costs.

**SECOND CAUSE OF ACTION  
SURVIVAL ACTION**

**Jamie Pietrantonio, Administrator of the Estate of Janel R. Miller, deceased v. Ashraf Razzak, M.D., deceased, Olivia E. Razzak, Executrix of the Estate of Ashraf Razzak, M.D., deceased, Christina L. Cole, FNP-BC, and Pain, Spine, Aesthetic and Wellness Center, P.C., individually, jointly, severally and/or in the alternative**

40. The previous paragraphs are incorporated herein as though fully set forth herein at length.

41. Plaintiff, Jamie Pietrantonio, sister of decedent and Administrator of the Estate of Janel R. Miller, deceased, brings this Survival Action on behalf of the Estate of Janel R. Miller, deceased under and by virtue of 42 Pa. C.S.A. §8302, and the applicable Rules of Civil Procedure and decisional law.

42. As a result of the acts and omissions of Defendants, and the negligence and carelessness of Defendants, Plaintiff's Decedent was caused grave injuries, suffering and death resulting in the entitlement to damages by said beneficiaries under the Survival Act.

43. On behalf of the Survival Act beneficiaries, the Administrator claims the amount of lost earnings of decedent between the time of injury and death.

44. On behalf of the Survival Act beneficiaries, the Administrator claims loss of earnings and economic loss to decedent's estate, including, but not limited to, decedent's total estimated future earning power less his cost of personal maintenance as a result of decedent's death.

45. On behalf of the Survival Act beneficiaries, the Administrator claims all loss of income, retirement, and Social Security income as a result of decedent's death.

46. On behalf of the Survival Act beneficiaries, the Administrator claims damages for

the pain, suffering, and inconvenience endured by decedent prior to death, including, but not limited to, physical pain and suffering, mental pain and suffering and the fright and mental suffering attributed to the peril leading to decedent's death.

47. Plaintiff claims the full measure of damages under the Survival Act and decisional law interpreting said Act.

**WHEREFORE**, Plaintiff demands damages against Defendants, including punitive damages, jointly and severally in an amount in excess of \$50,000.00 under the Wrongful Death Act, exclusive of pre-judgment interest, post-judgment interest and costs.

**COUNT ONE: NEGLIGENCE/RECKLESSNESS**

**Jamie Pietrantonio, Administrator of the Estate of Janel R. Miller, deceased v. Ashraf Razzak, M.D., deceased, Olivia E. Razzak, Executrix of the Estate of Ashraf Razzak, M.D., deceased, Christina L. Cole, FNP-BC, and Pain, Spine, Aesthetic and Wellness Center, P.C., individually, jointly, severally and/or in the alternative**

48. The previous paragraphs are incorporated herein as though fully set forth herein at length.

49. The medical records of Ms. Miller that still exist and/or which were provided show that from May 21, 2012 through the month of Janel Millers death the narcotics that were prescribed by the Defendants consisted of **at least** five thousand, eight hundred and eighty five (5,885) oxycodone pills and eight thousand, eight hundred and fifty five (8,855) tablets of morphine, gabapentin and muscle relaxers, all being prescribed concomitantly. .

50. Standing alone, Defendants' prescriptions of said narcotics constituted extreme wanton conduct or reckless indifference to decedent's safety, health and general welfare which ultimately led to Janel Miller's death.

51. As licensed medical professionals, Defendants knew or should have known that

they exposed Janel Miller to a high probability of addiction to said narcotics that would lead to serious health problems and/or death.

52. Defendants knew or should have known that Janel Miller had become ill with addiction due to the extreme amounts of narcotics they were prescribing; yet they ignored all signs of the terrible illness they inflicted and continued their prescribing until Janel Miller died on September 2, 2018.

53. Upon learning of the death of Janel Miller, Defendants backdated treatment records to hide evidence of their reckless indifference to the health and welfare of Janel Miller. Only five dates of office notes were signed on or about the date of the actual office visit. Records from 23 office visits were all electronically signed, en masse, on three different dates after the death of the Janel Miller.

54. Defendants failed to even attempt to formulate any treatment plans other than prescribing dangerous, addictive and lethal narcotics which they knew or should have known would cause serious health problems and/or death.

55. The injuries/death sustained by Decedent, as aforesaid, were directly and proximately caused by the negligent, careless, wanton, willful and reckless conduct of Defendants and consisted of one or more of the following:

- (a) failure to provide necessary medical information to Janel Miller regarding schedule II narcotic drug side effects, including the extreme danger of addiction;
- (b) failure to provide necessary medical information to health care providers

and others;

- (c) failure to communicate in a timely and proper manner regarding Decedent's condition with the patient and to provide safe methods of treatment and the development of a reasonable and safe treatment plan;
- (d) failure to properly diagnose and monitor Decedent's medical condition and use of Oxycodone combined with Morphine Sulfate;
- (e) failure to order appropriate blood work and diagnostic tests for Decedent;
- (f) failure to take a proper history on Decedent and obtain necessary medical records before prescribing narcotics;
- (g) failure to formulate an accurate, independent diagnosis of any health condition of Decedent that warranted the extreme and dangerous prescribing of narcotic medications;
- (h) failure to make proper medical decisions regarding the treatment of Decedent that would not subject her to severe risk of harm;
- (i) prescribing/dispensing unreasonable/dangerous amounts of narcotic medications;
- (j) failing to take into account prior medical conditions or risk factors before prescribing narcotic medications;
- (k) prescribing and dispensing extreme amounts of narcotic medication that would clearly cause addiction and serious side effects including the probability of death;
- (l) failing to development alternative treatment regimens to reduce the usage of narcotic medication;
- (m) failing to obtain and review prior and concurrent physician records for

Decedent to gain any understanding of their opinions and recommended treatments;

- (n) failing to keep adequate records that should have included completing a thorough history and physical, maintaining copies of prescriptions, maintaining contemporaneous office notes/medical records and contemporaneously documenting progress with treatment or lack thereof;
- (o) failing to develop a safe and effective treatment plan;
- (p) failing to refer Decedent to appropriate specialists when the treatment being provided utilizing significant amounts of opioids was not effective but instead becoming increasingly life threatening;
- (q) failing to perform required and necessary physical examinations throughout the course of Decedent's extended period of receiving extreme amounts of prescriptions for narcotic medication;
- (r) failing to conform to the applicable Pennsylvania and Federal regulations that set forth minimum standards and protocols to ensure safe prescribing of narcotic medication;
- (s) practicing a medical specialty in which Defendants were not trained and were not qualified;
- (t) continually prescribing dangerous and escalating amounts of narcotic medication without any medical justification or explanation when it was known or it should have been known that serious adverse health effects were occurring;
- (u) failing to wean Decedent from dangerous and deadly narcotic medications when Defendants knew or should have known of the severe risk of harm

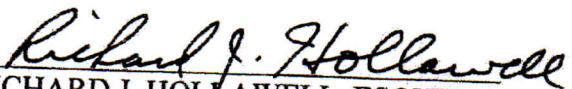
including death, that would result;

- (v) prescribing multiple, powerful and dangerous narcotic drugs at the same time when Defendants knew or should have known of the severe risk of harm of said drugs causing the illness of addiction and the likelihood of death;
- (w) failing to keep and maintain contemporaneous medical records/office notes/progress notes as proscribed by law and altering/backdating records after Decedent had died.
- (x) inflicting the illness of addiction upon Janel Miller;
- (y) failing to recognize signs and symptoms of the illness of addiction;
- (z) negligence/recklessness/wantonness as a matter of law.


56. Defendants acted consciously, wantonly, recklessly and negligently by prescribing extreme amounts and combinations of dangerous and addictive narcotic medications without medical justification, without assessing and monitoring decedent's health adequately and with complete disregard and recognition of the serious and dire side effects, with willful and reckless disregard to the rights and safety of decedent, all of which led to her death.

**WHEREFORE**, Plaintiff demands damages against Defendants, in an amount in excess of \$50,000.00 and in excess of the prevailing Arbitration limits under the Wrongful Death And Survival Act, exclusive of pre-judgment interest, post-judgment interest, together with costs, punitive damages, interest, attorney's fees and such other relief as permitted by law and as the Court may deem appropriate under the circumstances.

DATED: 9/5/20

  
RICHARD J. HOLLAWELL, ESQUIRE

DATED: 9/5/2020

  
MARK C. DEWLAND, ESQUIRE  
Attorneys for Plaintiff, Jamie Pietrantonio,  
Administrator of the Estate of Janel R. Mille

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Attorneys for Plaintiff, Jamie Pietrantonio, Administrator of the Estate of Janel R. Miller, deceased

JAMIE PIETRANTONIO, Administrator of the Estate of JANEL R. MILLER, deceased,

Plaintiff,  
vs.

ASHRAF RAZZAK, M.D., deceased, OLIVIA E. Razzak, Executrix of the Estate of ASHRAF RAZZAK, M.D., deceased, CHRISTINA L. COLE, FNP-BC, and PAIN, SPINE, AESTHETIC & WELLNESS CENTER, P.C., individually, jointly, severally and/or in the alternative,

Defendants

COURT OF COMMON PLEAS  
MERCER COUNTY

CIVIL ACTION-LAW

NO. 2020-02241

**VERIFICATION**

I, Jamie Pietrantonio, Administrator of the Estate of Janel R. Miller, deceased, Plaintiff in the above captioned action, hereby verify that the statements made in the above captioned Civil Action Complaint, are true and correct to the best of my knowledge, information and /or belief. I understand that false statements hereunder are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: 8/28/2020

*Jamie Pietrantonio, Administrator of the Estate of Janel R. Miller, deceased*

**JAMIE PIETRANTONIO, Administrator of the Estate of JANEL R. MILLER, deceased**



Ex. A

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MERCER

SHORT CERTIFICATE



I, KATHLEEN M. KLOOS  
Register for the Probate of Wills in and for  
said County of MERCER do hereby certify that  
on the 24th day of October A.D.,  
Two Thousand and Eighteen,  
Letters of ADMINISTRATION  
in common form were granted by the Register of  
said County, on the

estate of MILLER JANEL R  
(LAST, FIRST, MIDDLE) , late of WHEATLAND  
a/k/a MILLER JANEL  
in said county, deceased, to PIETRANTONIO JAMIE

and that same has not since been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal  
of said office at MERCER, PENNSYLVANIA, this 24th day of October  
A.D., Two Thousand and Eighteen.

File No. 2018-00638

PA File No. 43-18-0638

Date of Death 9/02/2018

S.S. # 169-66-7977

Kathleen M Kloos Register

NOT VALID WITHOUT ORIGINAL SIGNATURE AND IMPRESSED SEAL

**Ex. B**

Richard J. Hollawell & Assoc., LLC  
Attorney I.D. No.: 88094  
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JAMIE PIETRANTONIO, Administrator of the Estate of JANEL R. MILLER, deceased,

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vs.

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Defendants

COURT OF COMMON PLEAS  
MERCER COUNTY

CIVIL ACTION-LAW

NO. 2020-02241

**CERTIFICATE OF MERIT AS TO DEFENDANTS, ASHRAF RAZZAK, M.D & CHRISTINA L. COLE, FNP-BC**

I, Mark C. Dewland, Esq., certify that an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by Ashraf Razzak, M.D. & Christina L. Cole, FNP-BC, in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

**MARK C. DEWLAND, P.C.**

BY: 

Mark C. Dewland, Esq.

Dated: 09/05/2020