



IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MAUREEN COOPER, as)
Administratrix for the Estate of)
FELICIA ANN KELLY, an individual,)
)
Plaintiff,)

CASE NO. _____

v.)

CELIA LLOYD-TURNEY, M.D.;)
Individually, **CHOICE MEDICINE:**)
HWY 53 MEDICAL CENTER;)
A Corporation;)
STAR DISCOUNT PHARMACY, INC.;)
A Corporation;)
PROPST DISCOUNT DRUGS, INC.; A)
Corporation,)
TENNESSEE VALLEY HEALTHCARE,)
d/b/a HAZEL GREEN PHARMACY)

A Corporation; **No. 1**, whether singular or plural, that hospital, clinic, or other health care facility which undertook to provide medical services to Plaintiff's Decedent on the occasion made the basis of this matter; **No. 2**, whether singular or plural, that medical partnership, professional association, or professional corporation which undertook to provide medical services to Plaintiff's Decedent on the occasion made the basis of this matter; **No. 3**, whether singular or plural, that physician (including an intern, resident, or fellow) who, undertook to provide medical services to Plaintiff's Decedent on the occasion made the basis of this matter; **No. 4**, whether singular or plural, that therapist who undertook to provide medical services to Plaintiff's Decedent on the occasion made the basis of this matter; **No. 5**, whether singular or plural, that licensed, registered, or practical nurse who undertook to provide medical services to Plaintiff's Decedent, on the occasion made the basis of this matter; **No. 6**, whether singular or plural, that medical services therapist, technician, or worker who undertook to provide services to Plaintiff's Decedent on the occasion made the basis of this matter; **No. 7**, whether singular or plural, that student health care practitioner who undertook to provide services to Plaintiff's Decedent on the occasion made the basis of this matter; **No. 8**, whether singular or plural, physicians' assistant who undertook to provide medical services to Plaintiff's Decedent on the occasion made the basis of this matter; **No. 9**, whether singular or plural, that entity or those entities, who or which was the employer of any physician or other healthcare provider at the time of the occurrence made the basis of this matter; **No. 10**, whether singular or plural, that pharmacy or other facility which undertook to provide pharmaceutical services to Plaintiff's Decedent on the occasion made the basis of this matter; **No. 11**, whether singular or plural, that pharmacy partnership, professional association, or professional corporation which undertook to provide pharmaceutical services to Plaintiff's Decedent on the occasion made the basis of this matter; **No. 12**, whether singular or plural, that pharmacist (including an intern, resident, or fellow) who, undertook to provide pharmaceutical services to Plaintiff's Decedent on the occasion made the basis of this matter; **No. 13**, the entity which originally designed, manufactured and sold any prescription medication which was ultimately purchased by Plaintiff's Decedent at any time; **No. 14**, that entity which participated in the development of any plan to market any prescription medication ultimately purchased by Plaintiff's Decedent at any time; **No. 15**, that entity which advertised and/or marketed any prescription medication ultimately purchased by Plaintiff's Decedent at any time; **No. 16**, that entity which dispensed

any prescription medication to Plaintiff's Decedent at any time; **No. 17**, whether singular or plural, that entity who or which were responsible for the hiring, supervision and training of employees of the entities described above, at the time of the occurrence made the basis of this matter; **No. 18**, whether singular or plural, that entity which had any role in the distribution, selling or dispensing the medication which contributed to cause the death of Plaintiff's Decedent on the occasion made the basis of this matter; **No. 19**, whether singular or plural, that person or those persons, that entity or those entities, other than those described above, whose torturous, outrageous, intentional, reckless, negligent, wanton, breach of contract, or other wrongful conduct of which contributed to cause the death of Plaintiff's Decedent made the basis of this lawsuit; **No. 20**, whether singular or plural, that entity or those entities who or which was the predecessor of any of the entities described above; **No. 21**, whether singular or plural, that person, who, as an owner, stockholder, partner, associate, employee, or agent of any of the fictitious parties who undertook to provide any health care or related services to the Plaintiff's Decedent on the occasion made the basis of this matter; **No. 22**, whether singular or plural, that person, who, as an owner, stockholder, partner, associate, employee, or agent of any of the fictitious parties who undertook to provide any pharmaceutical related services to the Plaintiff's Decedent on the occasion made the basis of this matter; **No. 23**, whether singular or plural, that entity which, concerning the occasion made the basis of this suit, was the principal of any of the named or above-described fictitious party defendants; **No. 24**, whether singular or plural, that entity which is the successor-in-interest of the named or above-described fictitious party defendants; **No. 25**, whether singular or plural, that entity or those entities who or which provided any insurance coverage, of whatever kind or character, for any of the named or fictitious party defendants listed or named herein; **No. 26**, whether singular or plural, that entity or those entities who or which managed or supervised the provision of healthcare or pharmaceutical services by or for any of the named or fictitious party defendants listed or named herein; **No. 27**, whether singular or plural, that entity or those entities who or which were responsible for hiring, training, supervising, monitoring or retaining health care or pharmaceutical prescription drug providers working for or other employees of any of the named or fictitious party defendants listed or named herein; **No. 28**, whether singular or plural, that entity or those entities who or which designed, manufactured, marketed, distributed or sold any computer system, software, hardware, record keep system or other electronic system or device a defect in which caused or contributed to the death of Plaintiff's Decedent. Plaintiff avers that the identity of the fictitious party defendants is otherwise unknown to Plaintiff at this time, or, if their names are known to Plaintiff at this time, their identity as proper party defendants is not known to Plaintiff at this time; but their true names will be substituted by amendment when the aforesaid lacking knowledge is ascertained.

Defendants.

)
)

COMPLAINT

PARTIES

1. Plaintiff, Maureen Cooper, is the duly-appointed Administratrix of the Estate of Felicia Ann Kelly. At the time of Felicia Ann Kelly's death and during the time of all events described in this Complaint, Felicia Ann Kelly was an adult resident of Madison County, Alabama. Plaintiff Maureen Cooper is also an adult resident of Madison County, Alabama.

2. Defendant Celia Lloyd-Turney, M.D. (hereinafter “Dr. Lloyd-Turney”) is, upon information and belief, is an adult resident of Madison County, Alabama. At all times relevant to Plaintiff’s claims, Dr. Lloyd-Turney was practicing medicine on the premises of Defendant Choice Medicine: HWY 53 Medical Center in Madison County, Alabama, and was an employee/agent of Defendant Choice Medicine: HWY 53 Medical Center.

3. Defendant Choice Medicine: HWY 53 Medical Center (hereinafter “Choice Medicine”) is a domestic corporation created and existing pursuant to the law of Alabama. At all times relevant hereto, Choice Medicine’s principal place of business was 8028 Alabama Hwy 53, Toney, Madison County, Alabama.

4. Defendant Star Discount Pharmacy, Inc., is a domestic corporation created and existing pursuant to the law of Alabama. At all times relevant hereto, Star Discount Pharmacy, Inc., provided pharmacy services to Felicia Ann Kelly in Madison County, Alabama.

5. Defendant Propst Discount Drugs, Inc., is a domestic corporation created and existing pursuant to the law of Alabama. At all times relevant hereto, Propst Discount Drugs, Inc., provided pharmacy services to Felicia Ann Kelly in Madison County, Alabama.

6. Defendant Tennessee Valley Healthcare LLC d/b/a Hazel Green Pharmacy, (hereinafter “Hazel Green Pharmacy”) is a domestic corporation created and existing pursuant to the law of Alabama. At all times relevant hereto, Hazel Green Pharmacy, provided pharmacy services to Felicia Ann Kelly in Madison County, Alabama.

FACTS

Introductory and Background Facts

7. Beginning on or about January 26, 2012, and up until Felicia Ann Kelly’s death on May 15, 2016, Dr. Lloyd-Turney undertook and did provide medical services to Felicia Ann Kelly including,

but not limited to, physical examinations, diagnoses of various complaints of pain or injury and the writing of prescriptions of various controlled substances including opioids and benzodiazepines.

8. While rendering such medical care to Felicia Ann Kelly, Dr. Lloyd-Turney was an employee and/or agent of Defendant Choice Medicine. All such medical care, including the writing and/or dispensing of controlled substances occurred upon the premises of Defendant Choice Medicine and was done by Dr. Lloyd-Turney while she acted in the line and scope of her employment/agency with Defendant Choice Medicine.

9. Although described in more detail below, Dr. Lloyd-Turney prescribed or dispensed controlled substances to Felicia Ann Kelly for no legitimate medical purpose and/or otherwise excessively prescribed and/or dispensed controlled substances (including opioids and benzodiazepines) to Felicia Ann Kelly throughout the course of her treatment of Felicia Ann Kelly.

10. For perspective, Dr. Lloyd-Turney prescribed to Kelly at least 3,645 tablets of Oxycodone HCL 30 mg between May 9, 2012 and April 19, 2016. During the last 2 ½ months of Kelly's life, Dr. Lloyd-Turney prescribed at least 582 tablets of Oxycodone HCL 30 mg to Kelly. These prescriptions were in addition to other prescriptions by Dr. Lloyd-Turney for numerous benzodiazepines, which has a multiplying-effect on opioids like Oxycodone.

11. Throughout the course of her treatment of Kelly, Dr. Lloyd-Turney failed to implement various safeguards to minimize the risk that Kelly would become addicted or dependent on opioids or, alternatively, to otherwise treat Kelly for any suspected opioid addiction.

12. Throughout the course of Dr. Lloyd-Turney's medical care of Kelly, Kelly routinely presented for fulfillment a high quantity of dangerous opioids like Oxycodone to Defendants Star Discount Pharmacy, Inc., Propst Discount Drugs, Inc., and Hazel Green Pharmacy. These Defendants negligently, wantonly, recklessly, and/or willfully filled these prescriptions and dispensed to Kelly dangerous amounts (by both quantity and dosage) of opioids and benzodiazepines despite

clear evidence of excessive prescriptions by Dr. Lloyd-Turney and/or excessive consumption or misuse by Kelly.

13. Unsurprisingly, Kelly died on May 15, 2016, due to “mixed drug toxicity.” Posthumous toxicology tests evidenced fatal levels of Oxycodone mixed with benzodiazepines.

Deadly Prescriptions by Dr. Lloyd-Turney & Routine Fulfillment by the Pharmacy Defendants Within 76 Days of Kelly’s Death

14. On or about February 29, 2016, Dr. Lloyd-Turney prescribed to Kelly 30 tablets of Meloxicam¹ 7.5 mg, 68 tablets of Oxycodone² HCL 30 mg, and 60 tablets of Diazepam³ 5mg. Said prescriptions were written by Dr. Lloyd-Turney for alleged anxiety and chronic pain. All prescriptions were filled and dispensed by Defendant Propst Discount Drugs.

15. On or about March 3, 2016, Dr. Lloyd-Turney prescribed to Kelly 70 tablets of Oxycodone HCL 30 mg and 60 tablets of Ibruprofen⁴ 400mg. All prescriptions were filled and dispensed by Defendant Propst Discount Drugs.

16. On or about March 13, 2016, Dr. Lloyd-Turney prescribed to Kelly 90 tablets of Oxycodone HCL 30 mg and 60 tablets of Naproxen⁵ 500mg. All prescriptions were filled and dispensed by Defendant Hazel Green Pharmacy.

17. On or about March 15, 2016, Dr. Lloyd-Turney prescribed to Kelly 90 tablets of Oxycodone HCL 30 mg and 60 tablets of Naproxen 500mg. All prescriptions were filled and dispensed by Defendant Star Discount Pharmacy.

¹ Meloxicam is a nonsteroidal anti-inflammatory drug (NSAID) used to treat pain and/or inflammation and known commonly by brand names such as Mobic.

² Oxycodone is an opioid Schedule II narcotic known commonly by brand names such as OxyContin.

³ Diazepam is a benzodiazepine known commonly by brand names such as Valium.

⁴ Ibruprofen is a nonsteroidal anti-inflammatory drug (NSAID) used to treat pain and/or inflammation.

⁵ Naproxen is a nonsteroidal anti-inflammatory drug (NSAID) used to treat pain and/or inflammation.

18. On or about March 24, 2016, Dr. Lloyed-Turney prescribed to Kelly 90 tablets of Oxycodone HCL 30 mg and 90 tablets of Ibruprofen 800mg. All prescriptions were filled and dispensed by Defendant Propst Discount Drugs.

19. On or about March 30, 2016, Dr. Lloyed-Turney prescribed to Kelly 100 tablets of Oxycodone HCL 30 mg and 90 tablets of Ibruprofen 600mg. All prescriptions were filled and dispensed by Defendant Star Discount Pharmacy.

20. On or about April 3, 2016, Dr. Lloyed-Turney prescribed to Kelly 100 tablets of Oxycodone HCL 30 mg and 40 tablets of Cephalexin⁶ 500mg. All prescriptions were filled and dispensed by Defendant Star Discount Pharmacy.

21. On or about April 5, 2016, Dr. Lloyed-Turney prescribed to Kelly 100 tablets of Oxycodone HCL 30 mg and 40 tablets of Cephalexin 500mg. All prescriptions were filled and dispensed by Defendant Hazel Green Pharmacy.

22. On or about April 15, 2016, Dr. Lloyed-Turney prescribed to Kelly 90 tablets of Oxycodone HCL 30 mg, 30 tablets of Diazepam 5mg, and 30 tablets of Meloxicam 7.5 mg. Said prescriptions were written by Dr. Lloyed-Turney for alleged back and leg pain. All prescriptions were filled and dispensed by Defendant Propst Discount Drugs.

23. On or about April 19, 2016, Dr. Lloyed-Turney prescribed to Kelly 12 tablets of Oxycodone HCL 30 mg and 60 tablets of Gabapentin⁷ 800mg. All prescriptions were filled and dispensed by Defendant Propst Discount Drugs.

⁶ Cephalexin is an antibiotic known commonly by brand names such as Keflex.

⁷ Gabapentin is an anti-convulsant drug commonly known by brand names such as Neurontin.

24. On or about April 21, 2016, Dr. Lloyd-Turney prescribed to Kelly 15 tablets of Diazepam 5mg, 30 tablets of Meloxicam 7.5mg, and 15 tablets of Alprazolam⁸ 1mg. All prescriptions were filled and dispensed by Defendant Star Discount Pharmacy.

25. On or about May 9, 2016, Dr. Lloyd-Turney prescribed to Kelly 60 tablets of Diazepam 5mg. All prescriptions were filled and dispensed by Defendant Hazel Green Pharmacy.

COUNT I
Dr. Celia Lloyd-Turney

26. Plaintiff adopts and re-alleges all previous and subsequent paragraphs as if fully set out herein.

27. From at least January 26, 2012, and up until Felicia Ann Kelly's death on May 15, 2016, Defendant Dr. Celia Lloyd-Turney and/or the fictitious party defendants described above, undertook to and did provide medical services to Plaintiff's decedent, Felicia Ann Kelly.

28. During said periods of time, Defendant Dr. Celia Lloyd-Turney and/or the fictitious party defendants described above negligently, wantonly, recklessly, and/or willfully breached the applicable standard of care in providing such medical services by:

- a. Excessively prescribing and/or dispensing controlled substances to Kelly including those prescription drugs described in detail above;
- b. Failing to properly screen, test, evaluate, or take other measures to prevent or otherwise minimize the risk that Kelly would become or remain addicted and/or dependent on opioids;
- c. Failing to properly diagnose and/or treat Kelly for actual or suspected opioid addiction;
- d. Failing to properly screen, evaluate, or check Kelly's prescription history from other providers or Kelly's prescription fulfillment history via the Alabama Prescription Drug Monitoring Program database;
- e. Failing to properly advise, counsel, or warn Kelly as to the proper consumption and/or dosage of prescriptions written by Dr. Lloyd-Turney;

⁸ Alprazolam is a benzodiazepine commonly known by brand name Xanax.

- f. Failing to adequately document the pain and symptoms for which Kelly presented;
 - g. Failing to provide, order, and/or document adequate physical exams or diagnostic imaging to show the source of Kelly's pain to a degree warranting narcotic drug use;
 - h. Failing to implement a complete pain contract for Kelly;
 - i. Improperly and/or excessively prescribing and/or dispensing controlled substances to Kelly that exceeded reasonable daily levels of Morphine Milligram Equivalents (MME);
 - j. Improperly and excessively prescribing and/or dispensing to Kelly dangerous combinations of opioids and benzodiazepines.
 - k. Failing to prescribe, order, or refer Kelly to qualified specialists for suspected and/or actual opioid addiction and/or misuse;
 - l. Failing to notify, advise, or warn Kelly's pharmacies known to Dr. Lloyd-Turney and/or otherwise ascertainable to Dr. Lloyd-Turney of any suspected addiction, misuse, or over-consumption of prescription medications such as Oxycodone by Kelly;
 - m. Failing to properly instruct, advise, or warn Kelly and/or her family as to the dangers associated with any continued use or overuse of the prescription medications prescribed or dispensed to Kelly;
 - n. Improperly and/or excessively prescribing and/or dispensing those controlled substances described in detail above to Kelly without a legitimate medical purpose;
 - o. Failing to take reasonable steps to intervene on any actual or suspected misuse and/or over-consumption of controlled substances by Kelly to law enforcement agencies;
 - p. Failing to stop prescribing and/or dispensing to Kelly controlled substances or otherwise taking reasonable steps to eliminate Kelly's access to such dangerous drugs.
29. The aforesaid negligent, wanton, reckless, and/or willful conduct by Dr. Celia-Lloyd

Turney and/or the fictitious defendants described above, combined and concurred with the negligent, wanton, reckless, and/or willful conduct of all other named defendants and/or fictitious defendants described above to cause the death of Felicia Ann Kelly.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally, including fictitious party defendants, in a sum in excess of the jurisdictional limits of this court, to be determined by a jury, in an amount adequate to reflect the enormity of Defendants' wrongful acts and would prevent other similar wrongful acts in the future.

COUNT II
Choice Medicine

30. Plaintiff adopts and re-alleges all previous and subsequent paragraphs as if fully set out herein.

31. At all times relevant hereto, Dr. Lloyd-Turney was an employee/agent of Defendant Choice Medicine, acting within the scope of such employment/agency. Thus, Defendant Choice Medicine is vicariously liable for the actions/omissions of Defendant Lloyd-Turney described above.

32. Additionally, Defendant Choice Medicine owed a duty to patients including Kelly to properly hire, train, and/or supervise its employees, including Dr. Lloyd-Turney and the fictitious party defendants described above, to ensure that said employees would properly diagnose, treat, prescribe and/or dispense medication consistent with the standard of care applicable to Dr. Lloyd-Turney and/or the fictitious party defendants described above.

33. Defendant Choice Medicine negligently, wantonly, recklessly, and/or willfully failed to properly hire, train, and/or supervise its employees, including Dr. Lloyd-Turney and the fictitious party defendants described above, or otherwise render medical care to Kelly by:

- a. Failing to properly promulgate and/or enforce policies and procedures with regard to medical treatment administered by employees, including Dr. Lloyd-Turney, to patients, including Kelly, taking controlled substances like opioids and benzodiazepines;
- b. Failing to properly promulgate and/or enforce policies and procedures to prevent its employees, including Dr. Lloyd-Turney, from excessively prescribing and/or dispensing controlled substances to patients, including Kelly, such as those prescription drugs described in detail above;
- c. Failing to properly train and/or supervise Dr. Lloyd-Turney, as to the proper evaluation, diagnosis, and documentation thereof, of patients, including Kelly, with regard to the prescribing or dispensing of controlled substances like opioids and/or benzodiazepines;
- d. Failing to properly and/or appropriately retain Kelly's medical records as to the treatment administered by Dr. Lloyd-Turney to Kelly that resulted in any prescription and/or dispensing of the controlled substances described above;

34. The aforesaid negligent, wanton, reckless, and/or willful conduct of Choice Medicine and/or the fictitious defendants described above, combined and concurred with the negligent, wanton, reckless, and/or willful conduct of all other named defendants and/or fictitious defendants described above to cause the death of Felicia Ann Kelly.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally, including fictitious party defendants, in a sum in excess of the jurisdictional limits of this court, to be determined by a jury, in an amount adequate to reflect the enormity of Defendants' wrongful acts and would prevent other similar wrongful acts in the future.

COUNT III
Star Discount Pharmacy

35. Plaintiff adopts and re-alleges all previous and subsequent paragraphs as if fully set out herein.

36. At all times relevant hereto, Defendant Star Discount Pharmacy (and/or the fictitious party defendants described above) negligently, wantonly, recklessly, and/or willfully breached the applicable standard of care owed to Felicia Ann Kelly by:

- a. Accepting and filling the prescriptions described in detail above for Kelly for excessive amounts of opioids (based on both quantity and dosage);
- b. Accepting and filing the prescriptions described in detail above for Kelly on such a frequent basis that allowed Kelly access to dangerous quantities of oxycodone;
- c. Failing to properly screen, evaluate, or check Kelly's prescription history from providers or Kelly's prescription fulfillment history from other pharmacies via the Alabama Prescription Drug Monitoring Program database;
- d. Failing to appropriately and timely report the dispensing of controlled substances to Kelly to the Alabama Prescription Drug Monitoring Program database;
- e. Failing to check or ascertain that said prescriptions were valid from Dr. Celia Lloyd-Turney;
- f. Improperly and/or excessively dispensing those controlled substances described in detail above to Kelly without a legitimate medical purpose or without verifying that said prescriptions were for a legitimate medical purpose;

- g. Failing to take reasonable steps to intervene on any actual or suspected misuse and/or over-consumption of controlled substances by Kelly to law enforcement agencies;
 - h. Failing to stop dispensing to Kelly controlled substances or otherwise taking reasonable steps to eliminate Kelly's access to such dangerous drugs.
 - i. Failing to properly advise, counsel, or warn Kelly as to the proper consumption and/or dosage of prescriptions written by Dr. Lloyd-Turney;
 - j. Failing to properly instruct, advise, or warn Kelly and/or her family as to the dangers associated with any continued use or overuse of the prescription medications prescribed or dispensed to Kelly;
 - k. Improperly and excessively dispensing to Kelly dangerous combinations of opioids and benzodiazepines.
 - l. Improperly and/or excessively dispensing controlled substances to Kelly that exceeded reasonable daily levels of Morphine Milligram Equivalents (MME);
 - m. Failing to notify, advise, or warn Kelly's other pharmacies known to Star Discount Pharmacy and/or otherwise ascertainable to Star Discount Pharmacy of any suspected addiction, misuse, or over-consumption of prescription medications such as Oxycodone by Kelly;
37. The aforesaid negligent, wanton, reckless, and/or willful conduct of Star Discount

Pharmacy and/or the fictitious defendants described above, combined and concurred with the negligent, wanton, reckless, and/or willful conduct of all other named defendants and/or fictitious defendants described above to cause the death of Felicia Ann Kelly.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally, including fictitious party defendants, in a sum in excess of the jurisdictional limits of this court, to be determined by a jury, in an amount adequate to reflect the enormity of Defendants' wrongful acts and would prevent other similar wrongful acts in the future.

COUNT IV
Propst Discount Drugs

38. Plaintiff adopts and re-alleges all previous and subsequent paragraphs as if fully set out herein.

39. At all times relevant hereto, Defendant Propst Discount Drugs (and/or the fictitious party defendants described above) negligently, wantonly, recklessly, and/or willfully breached the applicable standard of care owed to Felicia Ann Kelly by:

- a. Accepting and filling the prescriptions described in detail above for Kelly for excessive amounts of opioids (based on both quantity and dosage);
- b. Accepting and filing the prescriptions described in detail above for Kelly on such a frequent basis that allowed Kelly access to dangerous quantities of oxycodone;
- c. Failing to properly screen, evaluate, or check Kelly's prescription history from providers or Kelly's prescription fulfillment history from other pharmacies via the Alabama Prescription Drug Monitoring Program database;
- d. Failing to appropriately and timely report the dispensing of controlled substances to Kelly to the Alabama Prescription Drug Monitoring Program database;
- e. Failing to check or ascertain that said prescriptions were valid from Dr. Celia Lloyd-Turney;
- f. Improperly and/or excessively dispensing those controlled substances described in detail above to Kelly without a legitimate medical purpose or without verifying that said prescriptions were for a legitimate medical purpose;
- g. Failing to take reasonable steps to intervene on any actual or suspected misuse and/or over-consumption of controlled substances by Kelly to law enforcement agencies;
- h. Failing to stop dispensing to Kelly controlled substances or otherwise taking reasonable steps to eliminate Kelly's access to such dangerous drugs.
- i. Failing to properly advise, counsel, or warn Kelly as to the proper consumption and/or dosage of prescriptions written by Dr. Lloyd-Turney;
- j. Failing to properly instruct, advise, or warn Kelly and/or her family as to the dangers associated with any continued use or overuse of the prescription medications prescribed or dispensed to Kelly;
- k. Improperly and excessively dispensing to Kelly dangerous combinations of opioids and benzodiazepines.
- l. Improperly and/or excessively dispensing controlled substances to Kelly that exceeded reasonable daily levels of Morphine Milligram Equivalents (MME);
- m. Failing to notify, advise, or warn Kelly's other pharmacies known to Star Discount Pharmacy and/or otherwise ascertainable to Star Discount Pharmacy of any suspected

addiction, misuse, or over-consumption of prescription medications such as Oxycodone by Kelly;

40. The aforesaid negligent, wanton, reckless, and/or willful conduct of Propst Discount Drugs and/or the fictitious defendants described above, combined and concurred with the negligent, wanton, reckless, and/or willful conduct of all other named defendants and/or fictitious defendants described above to cause the death of Felicia Ann Kelly.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally, including fictitious party defendants, in a sum in excess of the jurisdictional limits of this court, to be determined by a jury, in an amount adequate to reflect the enormity of Defendants' wrongful acts and would prevent other similar wrongful acts in the future.

COUNT V
Hazel Green Pharmacy

41. Plaintiff adopts and re-alleges all previous and subsequent paragraphs as if fully set out herein.

42. At all times relevant hereto, Defendant Hazel Green Pharmacy (and/or the fictitious party defendants described above) negligently, wantonly, recklessly, and/or willfully breached the applicable standard of care owed to Felicia Ann Kelly by:

- a. Accepting and filling the prescriptions described in detail above for Kelly for excessive amounts of opioids (based on both quantity and dosage);
- b. Accepting and filing the prescriptions described in detail above for Kelly on such a frequent basis that allowed Kelly access to dangerous quantities of oxycodone;
- c. Failing to properly screen, evaluate, or check Kelly's prescription history from providers or Kelly's prescription fulfillment history from other pharmacies via the Alabama Prescription Drug Monitoring Program database;
- d. Failing to appropriately and timely report the dispensing of controlled substances to Kelly to the Alabama Prescription Drug Monitoring Program database;
- e. Failing to check or ascertain that said prescriptions were valid from Dr. Celia Lloyd-Turney;

- f. Improperly and/or excessively dispensing those controlled substances described in detail above to Kelly without a legitimate medical purpose or without verifying that said prescriptions were for a legitimate medical purpose;
 - g. Failing to take reasonable steps to intervene on any actual or suspected misuse and/or over-consumption of controlled substances by Kelly to law enforcement agencies;
 - h. Failing to stop dispensing to Kelly controlled substances or otherwise taking reasonable steps to eliminate Kelly's access to such dangerous drugs.
 - i. Failing to properly advise, counsel, or warn Kelly as to the proper consumption and/or dosage of prescriptions written by Dr. Lloyd-Turney;
 - j. Failing to properly instruct, advise, or warn Kelly and/or her family as to the dangers associated with any continued use or overuse of the prescription medications prescribed or dispensed to Kelly;
 - k. Improperly and excessively dispensing to Kelly dangerous combinations of opioids and benzodiazepines.
 - l. Improperly and/or excessively dispensing controlled substances to Kelly that exceeded reasonable daily levels of Morphine Milligram Equivalents (MME);
 - m. Failing to notify, advise, or warn Kelly's other pharmacies known to Star Discount Pharmacy and/or otherwise ascertainable to Star Discount Pharmacy of any suspected addiction, misuse, or over-consumption of prescription medications such as Oxycodone by Kelly;
43. The aforesaid negligent, wanton, reckless, and/or willful conduct of Hazel Green Pharmacy and/or the fictitious defendants described above, combined and concurred with the negligent, wanton, reckless, and/or willful conduct of all other named defendants and/or fictitious defendants described above to cause the death of Felicia Ann Kelly.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally, including fictitious party defendants, in a sum in excess of the jurisdictional limits of this court, to be determined by a jury, in an amount adequate to reflect the enormity of Defendants' wrongful acts and would prevent other similar wrongful acts in the future.

/s/KEITH T. BELT, JR.,

KEITH T. BELT, JR. (BEL-026)
ROBERT P. BRUNER (BRU-029)
S. DREW BARNETT (BAR-182)
W. ALAN DUKE, JR. (DUK-019)
Attorneys for Plaintiff

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JURY DEMAND

Plaintiff requests a trial by struck jury on all issues in this case.

/s/KEITH T. BELT, JR.,

OF COUNSEL

REQUEST FOR CERTIFIED MAIL SERVICE BY CLERK

Attorney for plaintiff hereby requests that the Clerk serve the defendants by certified mail, return receipt requested at the addresses listed below.

/s/KEITH T. BELT, JR.,

OF COUNSEL

Plaintiff's Address:

Maureen Cooper, Administratrix
c/o Belt & Bruner, P.C.
880 Montclair Road, Suite 300
Birmingham, AL 35213

SERVE DEFENDANTS. VIA CERTIFIED MAIL AS FOLLOWS:

CELIA LLOYD-TURNEY, M.D.

10674 Wall Triana Highway
Toney, AL 35773

CHOICE MEDICINE: HWY 53 MEDICAL CENTER

c/o Jessie Turney
10664 Wall Traina Highway
Toney, AL 35773

STAR DISCOUNT PHARMACY, INC.

c/o Darden Heritage
704 Pratt Avenue NE
Huntsville, AL 35801

PROPST DISCOUNT DRUGS, INC.

c/o Kenneth Jacobs
717 Pratt Avenue NE
Huntsville, AL 35801

TENNESSEE VALLEY HEALTHCARE, LLC

d/b/a HAZEL GREEN PHARMACY

c/o Chandler T. Willingham
200 W. Market Street
Athens, AL 35611