



IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

PHILIP CHARLES PAUL,

Plaintiff,

v.

GIANT PHARMACY,

Defendant.

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C.A. No.:

JURY OF 12 DEMANDED

COMPLAINT

1. Plaintiff, Philip Charles Paul, hereinafter referred to as “Plaintiff”, is a resident of the State of Delaware, residing at 21 Thornton Drive, Ocean View, DE 19970.

2. Defendant, Giant Pharmacy, hereinafter referred to as “Defendant”, is licensed to do business in the State of Delaware and it’s located at 38069 Town Center Dr., Millville, DE 19967.

3. On or about September 26, 2021, Plaintiff was given four times the dosage of his diabetes medication by the Giant Pharmacy located at 38069 Town Center Dr., Millville, DE 19967. Instead of receiving the prescribed Ozempic dosage of 0.25mg, Defendant provided Plaintiff with the incorrect dosage of 1.0 mg.

4. Upon injecting four times the dosage of his medication given by Defendant, Plaintiff was transferred to Beebe Hospital ICU for four days due to severe injuries, following home care treatment.

COUNT I

5. Paragraphs one through four are incorporated in full by reference herein.

6. Defendant Giant Pharmacy treatment and care of Plaintiff was negligent and deviated from the applicable standard of care in the following ways:

- a) Failed to properly provide the accurate dosage of Plaintiff's medication;
- b) Failed to implement and follow appropriate protocols to provide the accurate dosage of Plaintiff's medication;
- c) Failed to appropriately possess and exercise the degree of knowledge, care and skill ordinarily possessed and exercised in similar circumstances by other providers;
- d) Failed to appropriately supervise its agents, servants, employees, and staff properly;
- e) Employed agents, servants, employees, and staff who lacked sufficient qualifications, capabilities and/or experience;
- f) Chose not to select and retain only competent agents, servants, employees and staff;
- g) Chose not to oversee all persons who are responsible for supplying medications at Giant Pharmacy;
- h) Chose not to formulate, adopt and enforce adequate rules and policies to ensure quality care and safety for patients;
- i) Was otherwise negligent and/or otherwise deviated from the appropriate standard of care as will be determined through the discovery process.

7. As a direct and proximate result of the aforesaid conduct of Defendant Giant Pharmacy, Plaintiff suffered personal injuries, some, or all of which may be permanent, pain and suffering, mental distress, medical expenses, and other damages.

8. As a further and proximate result of the aforesaid negligence, Plaintiff has incurred and will continue to incur in the future, medical and other expenses related to treatment for his injuries.

WHEREFORE, Plaintiff, Philip Charles Paul, demands that judgment be entered in his favor against Defendant Giant Pharmacy for general, special, and compensatory damages together with costs.

SILVERMAN, MCDONALD & FRIEDMAN

/s/ Brian E. Lutness, Esquire (3572)

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