

IN THE CIRCUIT COURT OF THE
8TH JUDICIAL CIRCUIT IN AND FOR
ALACHUA COUNTY, FLORIDA

JILL DOERR

Plaintiff,

vs.

UNIVERSITY OF FLORIDA BOARD
OF TRUSTEES, SHANDS TEACHING
HOSPITAL AND CLINICS, INC.,
a Florida Not-for-Profit Corporation,
UF HEALTH SOUTH CENTRAL,
LLC, a Florida Limited Liability Company,
and UF HEALTH SHANDS OCALA,
LLC, a Florida Limited Liability Company,

Defendants.

CASE NO.: 2026 CA 000609

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COMPLAINT

Plaintiff, JILL DOERR, files her Complaint against Defendants UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, SHANDS TEACHING HOSPITAL AND CLINICS, INC., UF HEALTH SOUTH CENTRAL, LLC, and UF HEALTH SHANDS OCALA, LLC, by and through the undersigned attorneys, allege that:

INTRODUCTION, JURISDICTION, AND VENUE

1. This is a medical negligence action for damages in excess of Fifty Thousand Dollars (\$50,000.00) and within the jurisdictional limits of this Court, exclusive of interest and costs.
2. At all times material to this Complaint, Plaintiff JILL DOERR, was a resident of Marion County, Florida, and otherwise *sui juris*.

3. At all times material to this Complaint, Defendant, UNIVERSITY OF FLORIDA BOARD OF TRUSTEES (hereinafter “UFBOT”) was a constitutional body corporate and an agency of the State of Florida as defined by section 768.28(2), Florida Statutes.

4. At all times material, UFBOT employed, supervised, and exercised control over University of Florida faculty dentists, including Dr. Sherif Hosney, BDS, MS, FACP, and was legally responsible for the dental care rendered by him.

5. At all times material, Dr. Sherif Hosney, BDS, MS FACP, was an employee and/or agent of UFBOT and was acting within the course and scope of his employment when he provided dental care and treatment to Plaintiff JILL DOERR. Pursuant to section 768.28(9)(a), Florida Statutes, any liability arising from Dr. Hosney’s acts or omissions is imputed to UFBOT.

6. At all times material, Dr. Hosney rendered dental care and treatment to Plaintiff at the UF Health Faculty Dental Practice, located at 1395 Center Drive, Gainesville, Florida, where the negligent acts and omissions giving rise to this action occurred.

7. Upon information and belief, the UF Health Faculty Dental Practice is a clinical practice through which University of Florida faculty dentists provide patient care and is a trade name practice group, and/or clinical operation which is not believed to be a separately incorporated legal entity.

8. Defendant, SHANDS TEACHING HOSPITAL AND CLINICS, INC. hereinafter (“SHANDS”), is a Florida not-for-profit corporation authorized to do business in the State of Florida.

9. At all times material, SHANDS owned, operated, managed, controlled, staffed, credentialed, and/or supervised hospital facilities and clinical operations under the UF Health name, including the UF Health Shands Dental Department where Plaintiff also received care.

10. At all times material, the UF Health Shands Emergency Department, located at 1515 SW Archer Road, Gainesville, Florida was a hospital emergency department owned, operated, managed, and controlled by Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC.

11. At all times material, the physicians, nurses, staff, and personnel rendering care to Plaintiff in the UF Health Shands Emergency Department were employees, agents, apparent agents, and/or servants of SHANDS, acting within the course and scope of their employment or agency.

12. At all times material, SHANDS exercised exclusive control over the emergency department's clinical environment, including staffing, policies, procedures, supervision, and credentialing of emergency department providers.

13. Defendant, UF HEALTH SOUTH CENTRAL, LLC, is a Florida limited liability company authorized to do business in the State of Florida. At all times material, UF HEALTH SOUTH CENTRAL, LLC owned, operated, managed, and/or controlled healthcare facilities, faculty practices, and clinical operations affiliated with UF Health, including the practice location, UF Health Faculty Dental Practice, at which Plaintiff received care.

14. UF HEALTH SOUTH CENTRAL, LLC employed, contracted with, supervised, and/or exercised control over healthcare providers rendering care to Plaintiff, including Dr. Sherif Hosney.

15. Defendant, UF HEALTH SHANDS, OCALA, LLC, is a Florida limited liability company authorized to do business in the State of Florida. At all times material, UF HEALTH SHANDS OCALA, LLC owned, operated, managed, and/or controlled healthcare facilities and

clinical operations affiliated with UF Health and participated in the administration, management, and/or oversight of the healthcare services rendered to Plaintiff.

16. Upon information and belief, the UF Health Faculty Dental Practice was jointly owned, operated, managed, controlled, and/or administered by one or more of the named Defendants, including UFBOT, SHANDS TEACHING HOSPITAL AND CLINICS, INC., UF HEALTH SOUTH CENTRAL, LLC, and/or UF HEALTH SHANDS OCALA, LLC.

17. Upon information and belief, the precise legal and operational relationships among these Defendants are uniquely within their knowledge and control. Accordingly, Defendants are sued in the alternative and/or are vicariously liable based upon theories of employment, agency, non-delegable duty, and/or retained right of control, the precise nature of which is uniquely with Defendants' knowledge.

18. Plaintiff JILL DOERR, by and through the undersigned counsel, certifies that a reasonable investigation as permitted by the circumstances has been made and it has been determined that there are grounds for the good faith belief that Defendants UFBOT, SHANDS TEACHING HOSPITAL AND CLINICS, INC., UF HEALTH SOUTH CENTRAL, LLC, and/or UF HEALTH SHANDS, OCALA, LLC, individually and by and through their agents, servants and employees, have been negligent in the care and treatment of Plaintiff JILL DOERR.

19. The undersigned certifies that all conditions precedent to the filing of this action have been satisfied pursuant to the terms of chapter 766, Florida Statutes and that an investigation has been conducted by the undersigned which gives rise to the good faith belief that this Complaint is based upon a valid assertion that the injuries and damages to Plaintiff JILL DOERR, are the result of the medical negligence of UFBOT, SHANDS TEACHING HOSPITAL AND CLINICS, INC., UF HEALTH SOUTH CENTRAL, LLC, and/or UF HEALTH SHANDS, OCALA, LLC.

20. There has been full and complete compliance by Plaintiff with respect to pre-suit notice and all requirements of such in Section 766 and 768.28, Florida Statute, precedent to the cause of action pled herein upon Defendants UFBOT, SHANDS TEACHING HOSPITAL AND CLINICS, INC., UF HEALTH SOUTH CENTRAL, LLC, and/or UF HEALTH SHANDS OCALA, LLC.

21. Pursuant to section 47.011, Florida Statutes venue is proper in the Circuit Court of the 8th Judicial Circuit in and for Alachua County, Florida because the cause of action accrued in Alachua County, Florida.

FACTS GIVING RISE TO CLAIMS

22. On or about July 10, 2023, Plaintiff JILL DOERR underwent a routine dental procedure with dentist, Dr. Sherif Hosney, BDS, MS, FACP, at the UF Health Faculty Dental Practice, located at 1395 Center Drive, Gainesville, Florida while he was acting within the course and scope of his employment with Defendant UFBOT.

23. Dr. Hosney at the time of the subject incident was a Clinical Assistant Professor and Program Director with Advanced Education in Prosthodontics with the University of Florida, providing patient care through the UF Health Faculty Dental Practice.

24. During the procedure, Dr. Hosney negligently dropped a 2.5-centimeter dental burr into Ms. Doerr's throat, which she inadvertently swallowed and/or aspirated while laying in a supine position with her mouth open.

25. Following the swallowing and/or aspiration of the dental burr, Dr. Hosney failed to immediately locate, retrieve, or account for the foreign object, and failed to initiate appropriate emergency protocols to confirm its location or otherwise prevent further injury to Plaintiff JILL DOERR.

26. As a direct and proximate result of Dr. Hosney's negligence, Ms. Doerr was emergently transported to the UF Health Shands Emergency Department, located at 1515 SW Archer Road, Gainesville, Florida, a hospital emergency department owned, operated, and/or controlled by Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC.

27. Ms. Doerr immediately underwent a procedure to examine her lungs as medical staff initially thought that the burr had entered her respiratory system; this was later determined not to be the case.

28. Due to the size, shape, and the metallic nature of the dental burr, and the risk of perforation, infection, or obstruction, Plaintiff required prolonged inpatient hospitalization, imaging, and invasive diagnostic procedures until the burr could be safely removed. Plaintiff was admitted to UF Health Shands Hospital for approximately five (5) days.

29. During Ms. Doerr's hospitalization, she experienced fear, anxiety, and emotional distress associated with the uncertainty of the burr's location, concern of potential lung injury, and the risk of internal damage while the foreign object remained lodged inside her body.

30. The dental burr was eventually found in the cecum of Ms. Doerr's intestine, where it remained lodged for several days.

31. On Ms. Doerr's final day of hospitalization, the dental burr was finally retrieved from her body.

COUNT I – PROFESSIONAL NEGLIGENCE AGAINST UNIVERSITY OF FLORIDA BOARD OF TRUSTEES THROUGH THEIR EMPLOYEE DR. SHERIF HOSNEY

32. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

33. At all times material, Defendant UNIVERSITY OF FLORIDA BOARD OF TRUSTEES ("UFBOT") employed, supervised, controlled, and/or was otherwise responsible for

the acts and omissions of Dr. Sherif Hosney, BDS, MS, FACP, a licensed dentist, who was acting within the scope of his employment with UFBOT when he rendered dental care and treatment to Plaintiff JILL DOERR.

34. At all times material, Dr. Hosney owed Plaintiff JILL DOERR a duty to exercise that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar dental care providers.

35. Dr. Hosney breached the applicable standard of care in one or more of the following ways, including but not limited to:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

36. At all times material, Dr. Hosney's acts and omissions constituted professional negligence as defined by section 766.102, Florida Statutes. Pursuant to section 768.28(9)(a), Florida Statutes, Dr. Hosney is immune from personal liability for the acts and omissions alleged

herein, and Defendant UFBOT is liable for such acts and omissions committed within the course and scope of his employment.

37. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

38. Plaintiff has complied with all conditions precedent to the filing of this action pursuant to Chapter 766 and section 768.28, Florida Statutes.

39. Defendant UFBOT is liable for the damages sustained by Plaintiff JILL DOERR as a result of the professional negligence of its employee, Dr. Hosney.

WHEREFORE, Plaintiff JILL DOERR sues Defendant UNIVERSITY OF FLORIDA BOARD OF TRUSTEES and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

**COUNT II – PROFESSIONAL NEGLIGENCE AGAINST UNIVERSITY
OF FLORIDA BOARD OF TRUSTEES – VICARIOUS LIABILITY**

40. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

41. At all times material, Defendant UNIVERSITY OF FLORIDA BOARD OF TRUSTEES ("UFBOT") employed, supervised, controlled, and/or was otherwise responsible for the acts and omissions of Dr. Sherif Hosney, BDS, MS, FACP, a licensed dentist, who was acting within the scope of his employment with UFBOT when he rendered dental care and treatment to Plaintiff JILL DOERR.

42. At all times material, Dr. Hosney owed Plaintiff JILL DOERR a duty to exercise that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar dental care providers.

43. Dr. Hosney breached the applicable standard of care in one or more of the following ways, including but not limited to:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

44. At all times material, Dr. Hosney's acts and omissions constituted professional negligence as defined by section 766.102, Florida Statutes. Pursuant to section 768.28(9)(a), Florida Statutes, Dr. Hosney is immune from personal liability for the acts and omissions alleged herein, and Defendant UFBOT is liable for such acts and omissions committed within the course and scope of his employment. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish,

medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

45. Plaintiff has complied with all conditions precedent to the filing of this action pursuant to Chapter 766 and section 768.28, Florida Statutes.

46. Defendant UFBOT is liable for the damages sustained by Plaintiff JILL DOERR as a result of the professional negligence of its employee, Dr. Hosney.

WHEREFORE, Plaintiff JILL DOERR sues Defendant UNIVERSITY OF FLORIDA BOARD OF TRUSTEES and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

**COUNT III – ACTUAL AGENCY AGAINST UNIVERSITY
OF FLORIDA BOARD OF TRUSTEES**

47. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

48. At all times material, Defendant UNIVERSITY OF FLORIDA BOARD OF TRUSTEES (“UFBOT”), by and through its agent Dr. Hosney, owed the Plaintiff, JILL DOERR, a duty to provide medical services, which met the prevailing professional standard of care for physicians.

49. At all times material hereto, UFBOT placed the Defendant, DR. HOSNEY in a position with UFBOT to act on its behalf in the treatment of its patients.

50. At all times material to this Complaint, Dr. Hosney agreed to act on behalf of the Defendant UFBOT in providing medical services to its patients, including the Plaintiff, JILL DOERR.

51. At all times material to this Complaint, Defendant UFBOT exercised control over the manner in which Dr. Hosney practiced dentistry in his treatment of the Plaintiff, JILL DOERR, at the Defendant UFBOT, including, but not limited to, imposing standards to obtain and maintain privileges, requiring compliance with UFBOT policies and procedures regarding all aspects of patient care, imposing requirements regarding medical record keeping and subjecting Dr. Hosney to review of his treatment decisions by UFBOT medical personnel and review boards, providing all facilities and equipment utilized in the course of his treatment of JILL DOERR and/or providing all nursing, pharmacy, laboratory and medical support staff utilized in the course of the medical treatment that he provided to JILL DOERR.

52. During the Defendant, DR. HOSNEY, treatment of the Plaintiff, JILL DOERR, at the Defendant UFBOT, said UFBOT exercised control, or held such a right of control over said services and provided the tools of his profession and other indicia of agency, such that he was an employee and/or actual agent of the Defendant UFBOT.

53. During the time that he provided medical services to the Plaintiff, JILL DOERR, at the Defendant UFBOT, Dr. Hosney was negligent in the medical services that he provided to the Plaintiff. The deviations from the prevailing professional standard of care included the following:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;

- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

54. The Defendant UFBOT is vicariously liable for the negligent acts and omissions of its agent Dr. Hosney, pursuant to the doctrine of respondeat superior.

55. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

WHEREFORE, the Plaintiff, JILL DOERR, sues Defendant UFBOT and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

**COUNT IV – APPARENT AGENCY AGAINST UNIVERSITY
OF FLORIDA BOARD OF TRUSTEES**

56. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

57. At all times material to this Complaint, Defendant UFBOT held itself out to the public as being a provider of comprehensive medical services, including dental services.

58. At all times material of this Complaint, the Defendant UFBOT had an established public relations program and/or marketing plan that was intended to develop the public perception that it was worthy of UFBOT to provide dental care to the public.

59. At all times material to this Complaint, the Plaintiff, JILL DOERR, was impacted by the public and advertising efforts of Defendant UFBOT and relied to her detriment upon the representations made about the availability of quality dental care.

60. At all times material to this Complaint, alternatively, or in addition to the above count involving Actual Agency, Dr. Hosney was the apparent agent of the Defendant, UFBOT.

61. The Defendant UFBOT is responsible for the negligence of Dr. Hosney, even if Dr. Hosney had no actual control or right of control.

62. The Defendant UFBOT is responsible for the negligence of Dr. Hosney as its apparent agent because he was acting within the scope of his apparent authority at the time and place of the incident alleged herein.

63. The Defendant UFBOT, by its own words and conduct, caused or allowed the Plaintiff to believe that Dr. Hosney was the agent of the Defendant UFBOT and had authority to act for said UFBOT.

64. The Plaintiff justifiably relied upon the belief that in dealing with Dr. Hosney and accepting services that he was an agent of Defendant, UFBOT and that said UFBOT would be responsible for the negligence of Dr. Hosney, which occurred while he was acting within the scope of his apparent authority to provide dental services on behalf of Defendant UFBOT.

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;

- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

65. The Defendant UFBOT is vicariously liable for the negligent acts and omissions of its agent Dr. Hosney, pursuant to the doctrine of respondeat superior.

66. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

67. As a direct and proximate result of the Plaintiff's detrimental reliance on the apparent agency relationship between the Defendant UFBOT and DR. HOSNEY, the Plaintiff suffered injuries as stated above.

WHEREFORE, the Plaintiff, JILL DOERR, sues Defendant UFBOT and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

COUNT V- NONDELEGABLE DUTY OF
UFBOT

68. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

69. At all times material, Defendant UFBOT owned, operated, managed, and controlled the UF Health Shands Emergency Department and held itself out as a provider of emergency medical services to the public.

70. UFBOT owed Plaintiff a nondelegable duty to provide reasonably safe facilities, competent medical providers, and appropriate policies, procedures, and systems to prevent foreseeable harm during the provision of emergency medical care. This nondelegable duty existed regardless of whether the healthcare providers rendering care were employees, independent contractors, agents, or otherwise.

71. UFBOT breached its nondelegable duty by failing to ensure that Plaintiff received safe, competent, and appropriate emergency medical care, including but not limited to failures in supervision, staffing, policies, procedures, and patient safety systems.

72. As a direct and proximate result of UFBOT's breach of its nondelegable duty, Plaintiff suffered bodily injury, pain and suffering, medical expenses, hospitalization, and other damages.

WHEREFORE, Plaintiff JILL DOERR sues Defendant UFBOT and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

COUNT VI – PROFESSIONAL NEGLIGENCE AGAINST SHANDS TEACHING HOSPITAL AND CLINICS, INC. THROUGH THEIR EMPLOYEE DR. SHERIF HOSNEY

73. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

74. At all times material, Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. employed, supervised, controlled, and/or was otherwise responsible for the acts and omissions of Dr. Sherif Hosney, BDS, MS, FACP, a licensed dentist, who was acting within the scope of his employment with SHANDS TEACHING HOSPITAL AND CLINICS, INC. when he rendered dental care and treatment to Plaintiff JILL DOERR.

75. At all times material, Dr. Hosney owed Plaintiff JILL DOERR a duty to exercise that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar dental care providers.

76. Dr. Hosney breached the applicable standard of care in one or more of the following ways, including but not limited to:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

77. At all times material, Dr. Hosney's acts and omissions constituted professional negligence as defined by section 766.102, Florida Statutes. Pursuant to section 768.28(9)(a), Florida Statutes, Dr. Hosney is immune from personal liability for the acts and omissions alleged herein, and Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. is liable for such acts and omissions committed within the course and scope of his employment.

78. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

79. Plaintiff has complied with all conditions precedent to the filing of this action pursuant to Chapter 766 and section 768.28, Florida Statutes.

80. Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. is liable for the damages sustained by Plaintiff JILL DOERR as a result of the professional negligence of its employee, Dr. Hosney.

WHEREFORE, Plaintiff JILL DOERR sues Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

COUNT VII – PROFESSIONAL NEGLIGENCE AGAINST SHANDS TEACHING HOSPITAL AND CLINICS, INC.– VICARIOUS LIABILITY

81. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

82. At all times material, Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. employed, supervised, controlled, and/or was otherwise responsible for the acts and omissions of Dr. Sherif Hosney, BDS, MS, FACP, a licensed dentist, who was acting within the scope of his employment with SHANDS TEACHING HOSPITAL AND CLINICS, INC. when he rendered dental care and treatment to Plaintiff JILL DOERR.

83. At all times material, Dr. Hosney owed Plaintiff JILL DOERR a duty to exercise that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar dental care providers.

84. Dr. Hosney breached the applicable standard of care in one or more of the following ways, including but not limited to:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

85. At all times material, Dr. Hosney's acts and omissions constituted professional negligence as defined by section 766.102, Florida Statutes. Pursuant to section 768.28(9)(a), Florida Statutes, Dr. Hosney is immune from personal liability for the acts and omissions alleged herein, and Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. is liable for such acts and omissions committed within the course and scope of his employment. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

86. Plaintiff has complied with all conditions precedent to the filing of this action pursuant to Chapter 766 and section 768.28, Florida Statutes.

87. Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. is liable for the damages sustained by Plaintiff JILL DOERR as a result of the professional negligence of its employee, Dr. Hosney.

WHEREFORE, Plaintiff JILL DOERR sues Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

COUNT VIII – ACTUAL AGENCY AGAINST SHANDS TEACHING HOSPITAL AND CLINICS, INC.

88. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

89. At all times material, Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. by and through its agent Dr. Hosney, owed the Plaintiff, JILL DOERR, a duty to provide medical services, which met the prevailing professional standard of care for physicians.

90. At all times material hereto, SHANDS TEACHING HOSPITAL AND CLINICS, INC. placed the Defendant, DR. HOSNEY in a position with SHANDS TEACHING HOSPITAL AND CLINICS, INC. to act on its behalf in the treatment of its patients.

91. At all times material to this Complaint, Dr. Hosney agreed to act on behalf of the Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. in providing medical services to its patients, including the Plaintiff, JILL DOERR.

92. At all times material to this Complaint, the Defendant, SHANDS TEACHING HOSPITAL AND CLINICS, INC. exercised control over the manner in which Dr. Hosney

practiced dentistry in his treatment of the Plaintiff, JILL DOERR, at the Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC., including, but not limited to, imposing standards to obtain and maintain privileges, requiring compliance with SHANDS TEACHING HOSPITAL AND CLINICS, INC. policies and procedures regarding all aspects of patient care, imposing requirements regarding medical record keeping and subjecting the Dr. Hosney to review of his treatment decisions by SHANDS TEACHING HOSPITAL AND CLINICS, INC. medical personnel and review boards, providing all facilities and equipment utilized in the course of his treatment of JILL DOERR and/or providing all nursing, pharmacy, laboratory and medical support staff utilized in the course of the medical treatment that he provided to JILL DOERR.

93. During the Defendant, DR. HOSNEY, treatment of the Plaintiff, JILL DOERR, at the Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC., said SHANDS TEACHING HOSPITAL AND CLINICS, INC. exercised control, or held such a right of control over said services and provided the tools of his profession and other indicia of agency, such that he was an employee and/or actual agent of the Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC..

94. During the time that he provided medical services to the Plaintiff, JILL DOERR, at the Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC., Dr. Hosney was negligent in the medical services that he provided to the Plaintiff. The deviations from the prevailing professional standard of care included the following:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;

- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

95. The Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. is vicariously liable for the negligent acts and omissions of its agent Dr. Hosney, pursuant to the doctrine of respondeat superior.

96. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

WHEREFORE, the Plaintiff, JILL DOERR, sues Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

**COUNT IX – APPARENT AGENCY AGAINST SHANDS TEACHING
HOSPITAL AND CLINICS, INC.**

97. JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

98. At all times material to this Complaint, Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. held itself out to the public as being a provider of comprehensive medical services, including dental services.

99. At all times material of this Complaint, the Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. had an established public relations program and/or marketing plan that was intended to develop the public perception that it was worthy of SHANDS TEACHING HOSPITAL AND CLINICS, INC. to provide dental care to the public.

100. At all times material to this Complaint, the Plaintiff, JILL DOERR, was impacted by the public and advertising efforts of Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. and relied to her detriment upon the representations made about the availability of quality dental care.

101. At all times material to this Complaint, alternatively, or in addition to the above count involving Actual Agency, Dr. Hosney was the apparent agent of the Defendant, SHANDS TEACHING HOSPITAL AND CLINICS, INC.

102. The Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. is responsible for the negligence of Dr. Hosney, even if Dr. Hosney had no actual control or right of control.

103. The Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. is responsible for the negligence of Dr. Hosney as its apparent agent because he was acting within the scope of his apparent authority at the time and place of the incident alleged herein.

104. The Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC., by its own words and conduct, caused or allowed the Plaintiff to believe that Dr. Hosney was the agent

of the Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. and had authority to act for said SHANDS TEACHING HOSPITAL AND CLINICS, INC..

105. The Plaintiff justifiably relied upon the belief that in dealing with Dr. Hosney and accepting services that he was an agent of Defendant, SHANDS TEACHING HOSPITAL AND CLINICS, INC. and that said SHANDS TEACHING HOSPITAL AND CLINICS, INC. would be responsible for the negligence of Dr. Hosney, which occurred while he was acting within the scope of his apparent authority to provide dental services on behalf of Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC..

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

106. The Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. is vicariously liable for the negligent acts and omissions of its agent Dr. Hosney, pursuant to the doctrine of respondeat superior.

107. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

108. As a direct and proximate result of the Plaintiff's detrimental reliance on the apparent agency relationship between the Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. and DR. HOSNEY, the Plaintiff suffered injuries as stated above.

WHEREFORE, the Plaintiff, JILL DOERR, sues Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

**COUNT X- NONDELEGABLE DUTY OF
SHANDS TEACHING HOSPITAL AND CLINICS, INC.**

109. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

110. At all times material, Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. ("SHANDS") owned, operated, managed, and controlled the UF Health Shands Emergency Department and held itself out as a provider of emergency medical services to the public.

111. SHANDS owed Plaintiff a nondelegable duty to provide reasonably safe facilities, competent medical providers, and appropriate policies, procedures, and systems to prevent foreseeable harm during the provision of emergency medical care. This nondelegable duty existed regardless of whether the healthcare providers rendering care were employees, independent contractors, agents, or otherwise.

112. SHANDS breached its nondelegable duty by failing to ensure that Plaintiff received safe, competent, and appropriate emergency medical care, including but not limited to failures in supervision, staffing, policies, procedures, and patient safety systems.

113. As a direct and proximate result of SHANDS' breach of its nondelegable duty, Plaintiff suffered bodily injury, pain and suffering, medical expenses, hospitalization, and other damages.

WHEREFORE, Plaintiff JILL DOERR sues Defendant SHANDS TEACHING HOSPITAL AND CLINICS, INC. and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

COUNT XI – PROFESSIONAL NEGLIGENCE AGAINST UF HEALTH SOUTH CENTRAL, LLC THROUGH THEIR EMPLOYEE DR. SHERIF HOSNEY

114. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

115. At all times material, Defendant UF HEALTH SOUTH CENTRAL, LLC employed, supervised, controlled, and/or was otherwise responsible for the acts and omissions of Dr. Sherif Hosney, BDS, MS, FACP, a licensed dentist, who was acting within the scope of his employment with UF HEALTH SOUTH CENTRAL, LLC when he rendered dental care and treatment to Plaintiff JILL DOERR.

116. At all times material, Dr. Hosney owed Plaintiff JILL DOERR a duty to exercise that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar dental care providers.

117. Dr. Hosney breached the applicable standard of care in one or more of the following ways, including but not limited to:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

118. At all times material, Dr. Hosney's acts and omissions constituted professional negligence as defined by section 766.102, Florida Statutes. Pursuant to section 768.28(9)(a), Florida Statutes, Dr. Hosney is immune from personal liability for the acts and omissions alleged herein, and Defendant UF HEALTH SOUTH CENTRAL, LLC is liable for such acts and omissions committed within the course and scope of his employment.

119. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

120. Plaintiff has complied with all conditions precedent to the filing of this action pursuant to Chapter 766 and section 768.28, Florida Statutes.

121. Defendant UF HEALTH SOUTH CENTRAL, LLC is liable for the damages sustained by Plaintiff JILL DOERR as a result of the professional negligence of its employee, Dr. Hosney.

WHEREFORE, Plaintiff JILL DOERR sues Defendant UF HEALTH SOUTH CENTRAL, LLC and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

COUNT XII – PROFESSIONAL NEGLIGENCE AGAINST UF HEALTH SOUTH CENTRAL, LLC – VICARIOUS LIABILITY

122. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

123. At all times material, Defendant UF HEALTH SOUTH CENTRAL, LLC employed, supervised, controlled, and/or was otherwise responsible for the acts and omissions of Dr. Sherif Hosney, BDS, MS, FACP, a licensed dentist, who was acting within the scope of his employment with UF HEALTH SOUTH CENTRAL, LLC when he rendered dental care and treatment to Plaintiff JILL DOERR.

124. At all times material, Dr. Hosney owed Plaintiff JILL DOERR a duty to exercise that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar dental care providers.

125. Dr. Hosney breached the applicable standard of care in one or more of the following ways, including but not limited to:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;

- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

126. At all times material, Dr. Hosney's acts and omissions constituted professional negligence as defined by section 766.102, Florida Statutes. Pursuant to section 768.28(9)(a), Florida Statutes, Dr. Hosney is immune from personal liability for the acts and omissions alleged herein, and Defendant UF HEALTH SOUTH CENTRAL, LLC is liable for such acts and omissions committed within the course and scope of his employment. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

127. Plaintiff has complied with all conditions precedent to the filing of this action pursuant to Chapter 766 and section 768.28, Florida Statutes.

128. Defendant UF HEALTH SOUTH CENTRAL, LLC is liable for the damages sustained by Plaintiff JILL DOERR as a result of the professional negligence of its employee, Dr. Hosney.

WHEREFORE, Plaintiff JILL DOERR sues Defendant UF HEALTH SOUTH CENTRAL, LLC and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

COUNT XIII – ACTUAL AGENCY AGAINST UF HEALTH SOUTH CENTRAL, LLC

129. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

130. At all times material, Defendant UF HEALTH SOUTH CENTRAL, LLC by and through its agent Dr. Hosney, owed the Plaintiff, JILL DOERR, a duty to provide medical services, which met the prevailing professional standard of care for physicians.

131. At all times material hereto, UF HEALTH SOUTH CENTRAL, LLC placed the Defendant, DR. HOSNEY in a position with UF HEALTH SOUTH CENTRAL, LLC to act on its behalf in the treatment of its patients.

132. At all times material to this Complaint, Dr. Hosney agreed to act on behalf of the Defendant UF HEALTH SOUTH CENTRAL, LLC in providing medical services to its patients, including the Plaintiff, JILL DOERR.

133. At all times material to this Complaint, the Defendant, UF HEALTH SOUTH CENTRAL, LLC exercised control over the manner in which Dr. Hosney practiced dentistry in his treatment of the Plaintiff, JILL DOERR, at the Defendant UF HEALTH SOUTH CENTRAL, LLC, including, but not limited to, imposing standards to obtain and maintain privileges, requiring compliance with UF HEALTH SOUTH CENTRAL, LLC policies and procedures regarding all aspects of patient care, imposing requirements regarding medical record keeping and subjecting the Dr. Hosney to review of his treatment decisions by UF HEALTH SOUTH CENTRAL, LLC

medical personnel and review boards, providing all facilities and equipment utilized in the course of his treatment of JILL DOERR and/or providing all nursing, pharmacy, laboratory and medical support staff utilized in the course of the medical treatment that he provided to JILL DOERR.

134. During the Defendant, DR. HOSNEY, treatment of the Plaintiff, JILL DOERR, at the Defendant UF HEALTH SOUTH CENTRAL, LLC, said UF HEALTH SOUTH CENTRAL, LLC exercised control, or held such a right of control over said services and provided the tools of his profession and other indicia of agency, such that he was an employee and/or actual agent of the Defendant UF HEALTH SOUTH CENTRAL, LLC.

135. During the time that he provided medical services to the Plaintiff, JILL DOERR, at the Defendant UF HEALTH SOUTH CENTRAL, LLC, Dr. Hosney was negligent in the medical services that he provided to the Plaintiff. The deviations from the prevailing professional standard of care included the following:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and

g. Otherwise failing to exercise reasonable care under the circumstances.

136. The Defendant UF HEALTH SOUTH CENTRAL, LLC is vicariously liable for the negligent acts and omissions of its agent Dr. Hosney, pursuant to the doctrine of respondeat superior.

137. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

WHEREFORE, the Plaintiff, JILL DOERR, sues Defendant UF HEALTH SOUTH CENTRAL, LLC and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

**COUNT XIV – APPARENT AGENCY AGAINST UF HEALTH SOUTH
CENTRAL, LLC**

138. JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

139. At all times material to this Complaint, Defendant UF HEALTH SOUTH CENTRAL, LLC held itself out to the public as being a provider of comprehensive medical services, including dental services.

140. At all times material of this Complaint, the Defendant UF HEALTH SOUTH CENTRAL, LLC had an established public relations program and/or marketing plan that was intended to develop the public perception that it was worthy of UF HEALTH SOUTH CENTRAL, LLC to provide dental care to the public.

141. At all times material to this Complaint, the Plaintiff, JILL DOERR, was impacted by the public and advertising efforts of Defendant UF HEALTH SOUTH CENTRAL, LLC and relied to her detriment upon the representations made about the availability of quality dental care.

142. At all times material to this Complaint, alternatively, or in addition to the above count involving Actual Agency, Dr. Hosney was the apparent agent of the Defendant, UF HEALTH SOUTH CENTRAL, LLC

143. The Defendant UF HEALTH SOUTH CENTRAL, LLC is responsible for the negligence of Dr. Hosney, even if Dr. Hosney had no actual control or right of control.

144. The Defendant UF HEALTH SOUTH CENTRAL, LLC is responsible for the negligence of Dr. Hosney as its apparent agent because he was acting within the scope of his apparent authority at the time and place of the incident alleged herein.

145. The Defendant UF HEALTH SOUTH CENTRAL, LLC, by its own words and conduct, caused or allowed the Plaintiff to believe that Dr. Hosney was the agent of the Defendant UF HEALTH SOUTH CENTRAL, LLC and had authority to act for said UF HEALTH SOUTH CENTRAL, LLC.

146. The Plaintiff justifiably relied upon the belief that in dealing with the Dr. Hosney and accepting services that he was an agent of Defendant, UF HEALTH SOUTH CENTRAL, LLC and that said UF HEALTH SOUTH CENTRAL, LLC would be responsible for the negligence of Dr. Hosney, which occurred while he was acting within the scope of his apparent authority to provide dental services on behalf of Defendant UF HEALTH SOUTH CENTRAL, LLC.

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;

- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

147. The Defendant UF HEALTH SOUTH CENTRAL, LLC is vicariously liable for the negligent acts and omissions of its agent Dr. Hosney, pursuant to the doctrine of respondeat superior.

148. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

149. As a direct and proximate result of the Plaintiff's detrimental reliance on the apparent agency relationship between the Defendant UF HEALTH SOUTH CENTRAL, LLC and DR. HOSNEY, the Plaintiff suffered injuries as stated above.

WHEREFORE, the Plaintiff, JILL DOERR, sues Defendant UF HEALTH SOUTH CENTRAL, LLC and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

COUNT XV- NONDELEGABLE DUTY OF
UF HEALTH SOUTH CENTRAL, LLC

150. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

151. At all times material, Defendant UF HEALTH SOUTH CENTRAL, LLC owned, operated, managed, and controlled the UF Health Shands Emergency Department and held itself out as a provider of emergency medical services to the public.

152. UF HEALTH SOUTH CENTRAL, LLC owed Plaintiff a nondelegable duty to provide reasonably safe facilities, competent medical providers, and appropriate policies, procedures, and systems to prevent foreseeable harm during the provision of emergency medical care. This nondelegable duty existed regardless of whether the healthcare providers rendering care were employees, independent contractors, agents, or otherwise.

153. UF HEALTH SOUTH CENTRAL, LLC breached its nondelegable duty by failing to ensure that Plaintiff received safe, competent, and appropriate emergency medical care, including but not limited to failures in supervision, staffing, policies, procedures, and patient safety systems.

154. As a direct and proximate result of UF HEALTH SOUTH CENTRAL, LLC's breach of its nondelegable duty, Plaintiff suffered bodily injury, pain and suffering, medical expenses, hospitalization, and other damages.

WHEREFORE, Plaintiff JILL DOERR sues Defendant UF HEALTH SOUTH CENTRAL, LLC and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

**COUNT XVI – PROFESSIONAL NEGLIGENCE AGAINST UF HEALTH SHANDS
OCALA, LLC THROUGH THEIR EMPLOYEE DR. SHERIF HOSNEY**

155. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

156. At all times material, Defendant UF HEALTH SHANDS OCALA, LLC employed, supervised, controlled, and/or was otherwise responsible for the acts and omissions of Dr. Sherif Hosney, BDS, MS, FACP, a licensed dentist, who was acting within the scope of his employment with UF HEALTH SHANDS OCALA, LLC when he rendered dental care and treatment to Plaintiff JILL DOERR.

157. At all times material, Dr. Hosney owed Plaintiff JILL DOERR a duty to exercise that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar dental care providers.

158. Dr. Hosney breached the applicable standard of care in one or more of the following ways, including but not limited to:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and

g. Otherwise failing to exercise reasonable care under the circumstances.

159. At all times material, Dr. Hosney's acts and omissions constituted professional negligence as defined by section 766.102, Florida Statutes. Pursuant to section 768.28(9)(a), Florida Statutes, Dr. Hosney is immune from personal liability for the acts and omissions alleged herein, and Defendant UF HEALTH SHANDS OCALA, LLC is liable for such acts and omissions committed within the course and scope of his employment.

160. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

161. Plaintiff has complied with all conditions precedent to the filing of this action pursuant to Chapter 766 and section 768.28, Florida Statutes.

162. Defendant UF HEALTH SHANDS OCALA, LLC is liable for the damages sustained by Plaintiff JILL DOERR as a result of the professional negligence of its employee, Dr. Hosney.

WHEREFORE, Plaintiff JILL DOERR sues Defendant UF HEALTH SHANDS OCALA, LLC and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

COUNT XVII – PROFESSIONAL NEGLIGENCE AGAINST UF HEALTH SHANDS OCALA, LLC– VICARIOUS LIABILITY

163. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

164. At all times material, Defendant UF HEALTH SHANDS OCALA, LLC employed, supervised, controlled, and/or was otherwise responsible for the acts and omissions of Dr. Sheriff

Hosney, BDS, MS, FACP, a licensed dentist, who was acting within the scope of his employment with UF HEALTH SHANDS OCALA, LLC when he rendered dental care and treatment to Plaintiff JILL DOERR.

165. At all times material, Dr. Hosney owed Plaintiff JILL DOERR a duty to exercise that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar dental care providers.

166. Dr. Hosney breached the applicable standard of care in one or more of the following ways, including but not limited to:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

167. At all times material, Dr. Hosney's acts and omissions constituted professional negligence as defined by section 766.102, Florida Statutes. Pursuant to section 768.28(9)(a), Florida Statutes, Dr. Hosney is immune from personal liability for the acts and omissions alleged

herein, and Defendant UF HEALTH SHANDS OCALA, LLC is liable for such acts and omissions committed within the course and scope of his employment. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

168. Plaintiff has complied with all conditions precedent to the filing of this action pursuant to Chapter 766 and section 768.28, Florida Statutes.

169. Defendant UF HEALTH SHANDS OCALA, LLC is liable for the damages sustained by Plaintiff JILL DOERR as a result of the professional negligence of its employee, Dr. Hosney.

WHEREFORE, Plaintiff JILL DOERR sues Defendant UF HEALTH SHANDS OCALA, LLC and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

COUNT XVIII – ACTUAL AGENCY AGAINST UF HEALTH SHANDS OCALA, LLC

170. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

171. At all times material, Defendant UF HEALTH SHANDS OCALA, LLC by and through its agent Dr. Hosney, owed the Plaintiff, JILL DOERR, a duty to provide medical services, which met the prevailing professional standard of care for physicians.

172. At all times material hereto, UF HEALTH SHANDS OCALA, LLC placed the Defendant, DR. HOSNEY in a position with UF HEALTH SHANDS OCALA, LLC to act on its behalf in the treatment of its patients.

173. At all times material to this Complaint, Dr. Hosney agreed to act on behalf of the Defendant UF HEALTH SHANDS OCALA, LLC in providing medical services to its patients, including the Plaintiff, JILL DOERR.

174. At all times material to this Complaint, the Defendant, UF HEALTH SHANDS OCALA, LLC exercised control over the manner in which Dr. Hosney practiced dentistry in his treatment of the Plaintiff, JILL DOERR, at the Defendant UF HEALTH SHANDS OCALA, LLC, including, but not limited to, imposing standards to obtain and maintain privileges, requiring compliance with UF HEALTH SHANDS OCALA, LLC policies and procedures regarding all aspects of patient care, imposing requirements regarding medical record keeping and subjecting the Dr. Hosney to review of his treatment decisions by UF HEALTH SHANDS OCALA, LLC medical personnel and review boards, providing all facilities and equipment utilized in the course of his treatment of JILL DOERR and/or providing all nursing, pharmacy, laboratory and medical support staff utilized in the course of the medical treatment that he provided to JILL DOERR.

175. During the Defendant, DR. HOSNEY, treatment of the Plaintiff, JILL DOERR, at the Defendant UF HEALTH SHANDS OCALA, LLC, said UF HEALTH SHANDS OCALA, LLC exercised control, or held such a right of control over said services and provided the tools of his profession and other indicia of agency, such that he was an employee and/or actual agent of the Defendant UF HEALTH SHANDS OCALA, LLC.

176. During the time that he provided medical services to the Plaintiff, JILL DOERR, at the Defendant UF HEALTH SHANDS OCALA, LLC, Dr. Hosney was negligent in the medical services that he provided to the Plaintiff. The deviations from the prevailing professional standard of care included the following:

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

177. The Defendant UF HEALTH SHANDS OCALA, LLC is vicariously liable for the negligent acts and omissions of its agent Dr. Hosney, pursuant to the doctrine of respondeat superior.

178. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

WHEREFORE, the Plaintiff, JILL DOERR, sues Defendant UF HEALTH SHANDS OCALA, LLC and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

**COUNT XIX – APPARENT AGENCY AGAINST UF HEALTH SHANDS
OCALA, LLC**

179. JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

180. At all times material to this Complaint, Defendant UF HEALTH SHANDS OCALA, LLC held itself out to the public as being a provider of comprehensive medical services, including dental services.

181. At all times material of this Complaint, the Defendant UF HEALTH SHANDS OCALA, LLC had an established public relations program and/or marketing plan that was intended to develop the public perception that it was worthy of UF HEALTH SHANDS OCALA, LLC to provide dental care to the public.

182. At all times material to this Complaint, the Plaintiff, JILL DOERR, was impacted by the public and advertising efforts of Defendant UF HEALTH SHANDS OCALA, LLC and relied to her detriment upon the representations made about the availability of quality dental care.

183. At all times material to this Complaint, alternatively, or in addition to the above count involving Actual Agency, Dr. Hosney was the apparent agent of the Defendant, UF HEALTH SHANDS OCALA, LLC

184. The Defendant UF HEALTH SHANDS OCALA, LLC is responsible for the negligence of Dr. Hosney, even if Dr. Hosney had no actual control or right of control.

185. The Defendant UF HEALTH SHANDS OCALA, LLC is responsible for the negligence of Dr. Hosney as its apparent agent because he was acting within the scope of his apparent authority at the time and place of the incident alleged herein.

186. The Defendant UF HEALTH SHANDS OCALA, LLC, by its own words and conduct, caused or allowed the Plaintiff to believe that Dr. Hosney was the agent of the Defendant

UF HEALTH SHANDS OCALA, LLC and had authority to act for said UF HEALTH SHANDS OCALA, LLC.

187. The Plaintiff justifiably relied upon the belief that in dealing with Dr. Hosney and accepting services that he was an agent of Defendant, UF HEALTH SHANDS OCALA, LLC and that said UF HEALTH SHANDS OCALA, LLC would be responsible for the negligence of Dr. Hosney, which occurred while he was acting within the scope of his apparent authority to provide dental services on behalf of Defendant UF HEALTH SHANDS OCALA, LLC.

- a. Failing to properly secure, control, and account for dental instruments during the procedure;
- b. Dropping a dental burr into Plaintiff's throat during the procedure;
- c. Failing to adequately protect Plaintiff's airway during the dental procedure;
- d. Failing to recognize and respond to the medical emergency created by the dropped dental burr;
- e. Failing to immediately locate, secure, and account for the dental burr after it was lost, including failing to promptly determine whether the burr had been aspirated or ingested;
- f. Failing to implement and follow appropriate safety protocols to prevent foreign body ingestion or aspiration such as a dental dam; and
- g. Otherwise failing to exercise reasonable care under the circumstances.

188. The Defendant UF HEALTH SHANDS OCALA, LLC is vicariously liable for the negligent acts and omissions of its agent Dr. Hosney, pursuant to the doctrine of respondeat superior.

189. As a direct and proximate result of Dr. Hosney's professional negligence, Plaintiff JILL DOERR suffered bodily injury, pain and suffering, mental anguish, medical expenses, hospitalization, loss of enjoyment of life, and other damages, both past and future.

190. As a direct and proximate result of the Plaintiff's detrimental reliance on the apparent agency relationship between the Defendant UF HEALTH SHANDS OCALA, LLC and DR. HOSNEY, the Plaintiff suffered injuries as stated above.

WHEREFORE, the Plaintiff, JILL DOERR, sues Defendant UF HEALTH SHANDS OCALA, LLC and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

**COUNT XX– NONDELEGABLE DUTY OF
UF HEALTH SHANDS OCALA, LLC**

191. Plaintiff JILL DOERR realleges and incorporates paragraphs 1 through 31 of this Complaint as is fully set forth herein.

192. At all times material, Defendant UF HEALTH SHANDS OCALA, LLC owned, operated, managed, and controlled the UF Health Shands Emergency Department and held itself out as a provider of emergency medical services to the public.

193. UF HEALTH SHANDS OCALA, LLC owed Plaintiff a nondelegable duty to provide reasonably safe facilities, competent medical providers, and appropriate policies, procedures, and systems to prevent foreseeable harm during the provision of emergency medical care. This nondelegable duty existed regardless of whether the healthcare providers rendering care were employees, independent contractors, agents, or otherwise.

194. UF HEALTH SHANDS OCALA, LLC breached its nondelegable duty by failing to ensure that Plaintiff received safe, competent, and appropriate emergency medical care,

including but not limited to failures in supervision, staffing, policies, procedures, and patient safety systems.

195. As a direct and proximate result of UF HEALTH SHANDS OCALA, LLC's breach of its nondelegable duty, Plaintiff suffered bodily injury, pain and suffering, medical expenses, hospitalization, and other damages.

WHEREFORE, Plaintiff JILL DOERR sues Defendant UF HEALTH SHANDS OCALA, LLC and demands damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with the costs of this action, prejudgment interest on liquidated sums and demands a trial by jury.

DEMAND FOR JURY TRIAL

Plaintiff JILL DOERR demands a jury trial on all issues so triable.

CERTIFICATE OF FILING

I certify that a copy of this Complaint was electronically filed on February 20, 2026.

Lipinski Law
4425 Military Trail, Suite 201
Jupiter, FL 33458
Office (561) 453-4800
Fax (561) 453-4801
Attorneys for Plaintiff



Jennifer Lipinski, Esq.
Florida Bar Number: 99524
Primary e-mail for service of pleading, e-mail
for correspondence and communications:
jen@lipinskilaw.com
ana@lipinskilaw.com

