

**IN THE CIRCUIT COURT FOR THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

**MICHAEL MROZ, individually and as
personal representative of the ESTATE
OF MARGARET MROZ,**

Plaintiff,

vs.

CASE NO.:

**ADVANCED REJUVENATION, LLC
d/b/a GECKO JOINT & SPINE,
ADVANCED WELLNESS CENTER,
and JOHN LIEURANCE,**

Defendants.

COMPLAINT

Plaintiff, MICHAEL MROZ (“MROZ”), individually and as personal representative of the ESTATE OF MARGARET MROZ (the “ESTATE”), by and through undersigned counsel, hereby sues Defendants, ADVANCED REJUVENATION, LLC d/b/a GECKO JOINT & SPINE (“GECKO JOINT & SPINE”), ADVANCED WELLNESS CENTER (“AWC”), and JOHN LIEURANCE (“LIEURANCE”), and states as follows:

PARTIES

1. MROZ is an individual residing in Florida.
2. The ESTATE is the estate of the deceased Margaret Mroz.
3. GECKO JOINT & SPINE is located at 2033 Wood St., Sarasota, FL.
4. AWC is located at 2033 Wood St., Sarasota, FL.
5. LIEURANCE is an individual residing in Sarasota County, FL.

JURISDICTION AND VENUE

6. Pursuant to Fla. Stat. § 47.051, venue is proper in this Court because GECKO JOINT & SPINE and AWC are located in Sarasota County, FL, and the causes of action accrued in Sarasota County, FL.

7. Pursuant to Fla. Stat. § 47.011, venue is proper in this Court because LIEURANCE resides in Sarasota County, FL, and the causes of action accrued in Sarasota County, FL.

8. This Court has jurisdiction as this is an action for damages that exceeds Fifteen Thousand Dollars (\$15,000.00), exclusive of costs, interest and attorney's fees.

GENERAL ALLEGATIONS

9. Margaret Mroz was a 69-year old female who suffered from Chronic Obstructive Pulmonary Disease ("COPD"), emphysema and lung cancer in remission.

10. GECKO JOINT & SPINE owned AWC.

11. GECKO JOINT & SPINE advertised "Nebulized Pure PRP System offered at Advanced Rejuvenation in Sarasota, Florida."

12. A nebulizer is a device that allows medications to be inhaled directly into the lungs as a mist.

13. On June 11, 2013, MROZ and his wife, Margaret Mroz, went to GECKO JOINT & SPINE and/or AWC and spoke to LIEURANCE who represented himself as a doctor and consulted with them regarding stem cell treatment for her COPD.

14. LIEURANCE, individually and as a representative of GECKO JOINT & SPINE and/or AWC, advised MROZ and Margaret Mroz of a human stem cell study related to

emphysema with which they were involved where stem cells were delivered into the lungs through a nebulizer.

15. The purported clinical study “protocol” states that an individual with a “history of cancer (other than non-melanoma skin cancer or in-situ cervical cancer) in the last five years” shall be excluded from the study.

16. Margaret Mroz checked that she had a past history of cancer on the patient intake form dated June 11, 2013.

17. Nonetheless, LIEURANCE, individually and as a representative of GECKO JOINT & SPINE and/or AWC, advised MROZ and Margaret Mroz that she was a candidate for the study.

18. Between June 11, 2013, and June 14, 2013, LIEURANCE, individually and as a representative of GECKO JOINT & SPINE and/or AWC, confirmed with MROZ and Margaret Mroz that she qualified as a candidate for the human stem cell study and required MROZ and Margaret Mroz to make a payment to secure an appointment for a stem cell procedure on June 17, 2013.

19. At that time, MROZ and Margaret Mroz had not been made aware that LIEURANCE was a chiropractor and not a medical doctor.

20. On June 17, 2013, LIEURANCE, individually and as a representative of GECKO JOINT & SPINE and/or AWC, and Dr. Mark Kantzler, as a representative of GECKO JOINT & SPINE and/or AWC, performed a stem cell procedure on Margaret Mroz.

21. Neither LIEURANCE nor Dr. Kantzler were qualified or properly trained to perform the procedure despite representations to MROZ and Margaret Mroz that they were.

22. GECKO JOINT & SPINE and/or AWC held the procedure out as a clinical study.

23. LIEURANCE and Dr. Kantzler used an “Adistem” kit to ostensibly condense and extract the stem cells, which was intended for laboratory research use only.

24. The use of AdiStem was not approved by the Federal Drug Administration at the time of the procedure.

25. The procedure also involved the intravenous injection of stem cells into Margaret Mroz’s ankle.

26. When MROZ questioned the intravenous injection, LIEURANCE stated that the doctor in Miami who was the head of the study had changed the protocol.

27. During the I.V. administration, MROZ noticed a red clump in the I.V. bag that LIEURANCE and Dr. Kantzler were attempting to separate with their hands.

28. Dr. Kantzler assured MROZ and Margaret Mroz that the red clump was not extraordinary.

29. However, Margaret Mroz head started to rock back and forth and she quickly lost consciousness.

30. MROZ stated he felt they needed to call 911 immediately.

31. However, LIEURANCE and Dr. Kantzler insisted they did not need emergency assistance.

32. MROZ called 911 anyway and handed the phone to Dr. Kantzler who told the emergency operator he told MROZ not to call and walked away from the scene.

33. LIEURANCE then took the phone and told the emergency operator that they had requested MROZ not call, that they had things under control, and that they did not need an ambulance.

34. After much hesitation and trying to cancel the ambulance, LIEURANCE finally gave the operator the address.

35. LIEURANCE instructed his assistant to clean up the blood on the floor from them taking out the I.V. and then they hid the I.V. in a different room.

36. When the paramedics arrived, they had to wait because the door to the clinic was locked.

37. The paramedics attempted to provide life-saving procedures but Margaret Mroz was declared dead after their attempts were deemed futile.

38. MROZ was present the entire time and was forced to watch his wife die.

39. Dr. Kantzler, as a representative of GECKO JOINT & SPINE and/or AWC, was the certifying physician for Margaret Mroz's death and did not send her to be autopsied.

40. In the Florida Death Record Fax Attestation, Dr. Kantzler did not check whether the manner of death was natural.

41. The form states that if the manner of death was not natural, the case should be reported to the Medical Examiner's Office.

42. LIEURANCE and other representatives of GECKO JOINT & SPINE and/or AWC kept calling and harassing MROZ over the next several days while he was trying to mourn and plan his wife's funeral.

43. All conditions precedent to bringing this suit have been complied with, met or have been waived.

COUNT ONE – FRAUDULENT REPRESENTATION

44. Plaintiff MROZ, individually and as personal representative of the ESTATE, hereby repeats and re-alleges each and every allegation contained in paragraphs one through forty-three as if stated herein.

45. LIEURANCE, individually and as a representative of GECKO JOINT & SPINE and/or AWC, made false statements and/or omissions concerning material facts to MROZ and Margaret Mroz, including but not limited to, that he was a chiropractor and not a medical doctor, that the procedure had been tested on humans when it had only been tested on animals, that she was proper candidate for the purported clinical study, that he and the medical providers at GECKO JOINT & SPINE and/or AWC were qualified and/or properly trained to perform the procedure, and that a nebulizer would be used to administer the stem cells into her lungs as opposed to an intravenous injection into her ankle.

46. LIEURANCE knew these statements and/or omissions to be false and intended to induce MROZ and Margaret Mroz to act on them, which they reasonably and/or justifiably did.

47. As a result, Margaret Mroz suffered damages, including but not limited to significant pain and suffering and ultimately her death.

48. As a result, MROZ also suffered damages, including but not limited to significant pain and suffering which is ongoing.

WHEREFORE, MROZ, individually and as personal representative of the ESTATE, demands judgment against GECKO JOINT & SPINE, AWC, and LIEURANCE, for compensatory damages and consequential damages and any such other and further relief as the court deems just and proper, and reserves the right to amend the complaint to add a claim for punitive damages.

COUNT II – NEGLIGENT MISREPRESENTATION

49. Plaintiff MROZ, individually and as personal representative of the ESTATE, hereby repeats and re-alleges each and every allegation contained in paragraphs one through forty-three as if stated herein.

50. LIEURANCE, individually and as a representative of GECKO JOINT & SPINE and/or AWC, made false statements and/or omissions concerning material facts to MROZ and Margaret Mroz, including but not limited to, that he was a chiropractor and not a medical doctor, that the procedure had been tested on humans when it had only been tested on animals, that she was proper candidate for the purported clinical study, that he and the medical providers at GECKO JOINT & SPINE and/or AWC were qualified and/or properly trained to perform the procedure, and that a nebulizer would be used to administer the stem cells into her lungs as opposed to an intravenous injection into her ankle.

51. LIEURANCE should have known these statements and/or omissions were false.

52. LIEURANCE intended to induce MROZ and Margaret Mroz to act on them, which they reasonably and/or justifiably did.

53. As a result, Margaret Mroz suffered damages, including but not limited to significant pain and suffering and ultimately her death.

54. As a result, MROZ also suffered damages, including but not limited to significant pain and suffering which is ongoing.

WHEREFORE, MROZ, individually and as personal representative of the ESTATE, demands judgment against GECKO JOINT & SPINE, AWC, and LIEURANCE, for compensatory damages and consequential damages and any such other and further relief as the

court deems just and proper, and reserves the right to amend the complaint to add a claim for punitive damages.

COUNT III - FDUPTA

55. Plaintiff MROZ, individually and as personal representative of the ESTATE, hereby repeats and re-alleges each and every allegation contained in paragraphs one through forty-three as if stated herein.

56. Florida's Deceptive and Unfair Trade Practices Act ("FDUPTA"), Fla. Stats. §§ 501.201–501.211, prohibits unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce.

57. To induce MROZ and Margaret Mroz to enter the purported study and engage with GECKO JOINT & SPINE and/or AWC, LIEURANCE, individually and as a representative of GECKO JOINT & SPINE and/or AWC, made false statements and/or omissions concerning material facts to MROZ and Margaret Mroz, including but not limited to, that he was a chiropractor and not a medical doctor, that the procedure had been tested on humans when it had only been tested on animals, that she was a proper candidate for the purported clinical study, that he and the medical providers at GECKO JOINT & SPINE and/or AWC were qualified and/or properly trained to perform the procedure, and that a nebulizer would be used to administer the stem cells into her lungs as opposed to an intravenous injection into her ankle.

58. Additionally, LIEURANCE and Dr. Kantzler used an "Adistem" kit to ostensibly condense and extract the stem cells, which was intended for laboratory research use only.

59. The use of AdiStem was not approved by the Federal Drug Administration at the time of the procedure.

60. The above-described conduct, which includes but is not limited to improperly treating Margaret Mroz's COPD with intravenous administration of adipose derived stem cells, performing an unproven experimental procedure, misrepresenting information in order to secure the patient's participation, having inadequate training to perform the procedure, and performing a procedure for which the patient failed to meet the requirements, was unfair, deceptive, and unconscionable

61. As a result, MROZ and Margaret Mroz were damaged.

62. Pursuant to Fla. Stat. § 501.211, GECKO JOINT & SPINE and/or AWC owe MROZ and/or the ESTATE their costs, expert fees, and attorneys' fees.

WHEREFORE, MROZ, individually and as personal representative of the ESTATE, demands judgment against GECKO JOINT & SPINE and/or AWC for: (1) actual damages; (2) pre-judgment interest; (3) costs, expert fees, and attorneys' fees pursuant to sections 501.211(2) and 501.2105, Fla. Stats.; and (4) such other and further relief as this court deems just and proper.

COUNT IV – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

63. Plaintiff MROZ, individually and as personal representative of the ESTATE, hereby repeats and re-alleges each and every allegation contained in paragraphs one through forty-three as if stated herein.

64. The above-described conduct was intentional or reckless.

65. The above-described conduct was outrageous.

66. The above-described conduct caused MROZ severe emotional distress.

WHEREFORE, MROZ demands judgment against GECKO JOINT & SPINE, AWC, and LIEURANCE, for compensatory damages and consequential damages and any such other

and further relief as the court deems just and proper, and reserves the right to amend the complaint to add a claim for punitive damages.

DEMAND FOR JURY TRIAL

Plaintiff MROZ, individually and as personal representative of the ESTATE, demands a jury trial on all issues so triable.

Respectfully submitted,

/s/ Michael Germain

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