

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Merrimack Superior Court
163 North Main St./PO Box 2880
Concord NH 03302-2880

Telephone: 1-855-212-1234
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<http://www.courts.state.nh.us>

SUMMONS IN A CIVIL ACTION

Case Name: **Eric Cable v State of New Hampshire**
Case Number: **217-2018-CV-00133**

Date Complaint Filed: March 01, 2018

A Complaint has been filed against State of New Hampshire in this Court. A copy of the Complaint is attached.

The Court ORDERS that ON OR BEFORE:

April 16, 2018

Eric Cable shall have this Summons and the attached Complaint served upon State of New Hampshire by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.

May 07, 2018

Eric Cable shall file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.

30 days after Defendant
is served

State of New Hampshire must file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent to the party listed below and any other party who has filed an Appearance in this matter.

Notice to State of New Hampshire: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Lawrence A. Vogelman, ESQ

Nixon Vogelman Barry Slawsky & Simoneau PA
77 Central Street
Manchester NH 03101-2423

BY ORDER OF THE COURT


Tracy A. Uhrin
Clerk of Court

March 02, 2018

(003)

COPY

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

ERIC CABLE
32 Mason Avenue
Pembroke, NH 03275

v.

STATE OF NEW HAMPSHIRE
105 Pleasant Street
PO Box 1806
Concord, NH 03302

COMPLAINT

Plaintiff, Eric Cable, complains against the State of New Hampshire, for the reasons set forth below:

1. Plaintiff, ERIC CABLE, at all times relevant was a prisoner at the New Hampshire State Prison for Men.
2. At all times relevant, the defendant STATE OF NEW HAMPSHIRE, through its Department of Corrections, was responsible for housing and caring for inmates at the prison.

FACTS

3. ERIC CABLE was incarcerated at the New Hampshire State Prison for Men on February 13, 2014. Routine lab studies done on March 5, 2014, showed an elevated serum glucose level. Fingerstick glucose checks were ordered for three days but were not done.

4. On June 8, 2015, he was diagnosed with Type II diabetes after complaining of being excessively thirsty, urinating a lot, and abdominal pain. His blood sugar at that time was 466 (normal 65-99). He was started on the diabetes medication, Metformin. A second medication, Glipizide, was added on August 6, 2015.

5. Although Mr. Cable was being seen in the Chronic Care Clinic, medical management of his diabetes fell below the standard of care.

6. Lab tests were sporadic even though they had been ordered. An A1C should be done every three months. The only ones done were on September 24, 2015, and January 27, 2016, (both results were 8, ideal for a diabetic is less than 7). No microalbumin has been done, which should be done yearly. There is no baseline TSH. There are no foot exams with monofilament testing (should be done with each visit). An eye exam was done on July 16, 2015, but it was not a dilated exam for diabetic retinopathy which should be done yearly. No aspirin or ACE inhibitor has been prescribed which are also standards.

7. Uncontrolled diabetes can lead to damage of other body organs, especially the eyes, heart, kidneys, and nerves. The key to preventing these complications is good glycemic control. Mr. Cable is not being properly managed to achieve good glycemic control.

CAUSE OF ACTION
MEDICAL NEGLIGENCE

8. Plaintiff realleges every allegation contained in paragraphs 1 through 7.

9. Defendant, STATE OF NEW HAMPSHIRE, through its agents and employees, had a duty to plaintiff, ERIC CABLE, to provide him with reasonable and proper medical care in accordance with the applicable standard of care.

10. The conduct described above was a violation of that duty.

11. As a direct and proximate result of defendant's carelessness, negligence, and improper care, plaintiff, ERIC CABLE, suffered permanent injury, great pain and suffering, mental anguish, loss of enjoyment of life, and other losses.

12. By certified mail, return receipt requested, pursuant to R.S.A. 541-B:14, the plaintiff gave notice of this claim to the defendant, STATE OF NEW HAMPSHIRE.

13. Plaintiff demands a jury by trial.

Respectfully submitted,

ERIC CABLE

By his attorneys,

NIXON, VOGELMAN, BARRY,
SLAWSKY & SIMONEAU, P.A.

Date: February 27, 2018

By:



Lawrence A. Vogelmann (#10280)

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Manchester, NH 03101

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