

District Court for Prague 4 Court Regiment

Na Míčánkách

28th Regiment 1533 / 29b

100 83 Prague 10 - Vršovice

Česká republika

Complainant:

Michał Siemaszko

ul. Gierymskich 4/9

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Poland

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Defendants:

1. European Patient Service s.r.o.
2. Uroklinum s.r.o.
3. MuDr. Joseph Stolz, Urologická klinika Uroklinum Praha

Case number: 60 C 328/2018

Reply of Complainant

to Opposition of Opposite Parties

It is submitted that Opposite parties' pleadings, dated April 21st 2019 and April 23rd 2019, both delivered to Complainant on June 26th 2019, contain multiple false statements as well as fail to address key points of the lawsuit the Complainant filed in person on December 3rd 2018 in Prague, case number 60 C 328/2018.

It is submitted that the Complainant upholds all statements contained in the lawsuit filed on December 3rd 2018, case number 60 C 328/2018, and those statements are fully

corroborated in the 37 documents annexed to the lawsuit—including email communication and medical documentation.

It is submitted that prior to filing lawsuit, the Complainant attempted to settle these matters out of court and the Opposite parties were served with not one, but two demand for payment letters—dated January 28th 2016, and February 29th 2016—and this present lawsuit would not have been filed had the Opposite Parties properly responded to those two demand for payment letters and fully reimbursed the Complainant at that time. Therefore, any claims on part of the Opposite Parties that the lawsuit the Complainant filed is not a direct result of negligence on part of the Opposite Parties—including failing to fully reimburse the Complainant after the Opposite Parties were served with two demand for payment letters—are therefore baseless and are dismissed.

It is submitted that all symptoms the Complainant suffers from—genital, urological, neurological as well as scars in left groin area—are connected to the same event in January 2014—criminal assault committed on the Complainant in apartment he lived in—and that Complainant did inform the Opposite Parties about criminal aspect of these injuries and that properly conducted diagnostic imaging examinations were essential—in addition to having comprehensive diagnosis established and treatment recommendations offered—for medico-legal expertise to be prepared in order to successfully prosecute this crime.

It is submitted that based on latest medical reports the Complainant has available—that is, 9 reports total from 8 different medical professionals—the presence of multiple puncture wounds in left groin area being a direct cause of genital, urological and neurological symptoms is confirmed and that these are the same exact symptoms the Complainant suffers from and needed to evaluate via complex medical examinations back in December 2015—as clearly communicated to the Opposite Parties—so such comprehensive diagnosis can be established.

It is submitted that from the very beginning the Opposite Party No. 1 was involved in mediating between the Complainant and Opposite Parties No. 2, and 3:

- before the Complainant decided to travel to Prague—based on confirmation received from Opposite Party No. 1 regarding availability of specific examinations, and after establishing in writing the scope of services to be provided, schedule on which those services are to be provided, schedule on which results are to be delivered, language in which results are to be delivered, and, most importantly, fully paying for those services;

- during visit to Prague—both in writing, as evidenced in annexed email communication, and in person—and
- after leaving Prague—when contacted regarding request for refund, then via representative of Complainant when two demand for payment letters were served.

Therefore, it is submitted that any information received from and actions of the Opposite Party No. 1 should be treated as that of Opposite Parties No. 2, and 3, as they were consulted by the Opposite Party No. 1 each step of the way, which the Opposite Party No. 1 confirms in email communication annexed to lawsuit dated December 3rd 2018.

In light of the above, any claims of the Opposite Parties that their actions—including gross negligence in diagnosing Complainant's health condition, the resulting significant damages due to the delay in establishment of comprehensive diagnosis, the delay in undertaking of necessary treatment when Complainant's injuries could be repaired and resolved more easily, the delay in supplementation of evidence in criminal assault case being cause of these injuries, as well as the prolonged physical, mental and emotional suffering—did not cause damages to the Complainant are completely unrealistic and are thus dismissed.

It is therefore submitted that this Honorable Court:

- Upholds the present Complaint,
- Awards Litigation costs to the Complainant,
- Passes any other order that this Honorable Court may deem fit in the facts and circumstances of the present case.

Krakow, July 25th 2019

Michał Siemaszko

Annexures:

1. Copy of Court letter, dated June 5th 2019
2. Copy of reply from Opposite parties, dated April 21st 2019
3. Copy of reply from Opposite parties, dated April 23rd 2019