

**1650 Houses For Sale**



**1009 1st St. • Crofton**  
**\$89,500**

Spacious 3+ bedroom, 2-bath, 1/3 acre in town. Lisa, Anderson Realty, (605)661-0054.



**1207 Picotte • \$120,000**

3-bedroom, 2-bath, remodeled. Kelly Filips, America's Best Realty, kfbest@iw.net (605)260-1600.



**1610 Oak, Tyndall**

Reduced! Remodeled 2-3 bedroom is handicapped friendly. Garage, corner lot near downtown. Century 21, Emma (605)661-2224



**301 W. 31st**

8-Condo's one price. Great investment property. Kelly, America's Best Realty (605)660-0900.



**Auction, Dec 14, 11:30 AM**  
**616 West 3rd, Yankton**

GirardAuction.com for more info and appointment to see.

**1655 Mobile Homes For Sale**

**Attention! Tired of renting?** Then start owning, contract for deed. 1996 16x70, 3-bedroom, shingled roof, vinyl siding, easy payments set up in court. Call for details (605)665-0822.

**Would you like a brand new mobile home all set up in my court on a contract for deed at tremendous savings?** Call me, lets deal, Kenny, Nationwide Mobile Homes. (605)665-0822.

**1660 Acreage - Lots For Sale**

**Lots available north of Hillcrest Golf Course.** Ridgeway North Development. Call Kirby Hofer, (605)665-0524 or (605)660-1422.

**1685 Want To Buy Real Estate**

**Attention we buy used mobile homes.** Cash on the spot. Call now (605)665-0822

**We pay cash for used mobile homes!** (712) 252-4381.

**1705 Items \$100 or Less**

**2-Christmas cactus: 1- \$6 and 1-\$3.** (605)665-4560.

**Apples: Yellow Delicious, Fireside, no spray.** 200 lbs available at .50¢ pound. (605)267-2574 or (605)661-5760.

**Beautiful regular size Christmas quilt with sham, \$24.** Full length medium charcoal gray ladies coat, like new, \$10. (605)664-8635.

**Black glass-top, 3 shelf, TV stand that hangs up to a 55 inch flat screen, \$10.** (605)661-7321

**For Sale: Amway Nutrilite Double X Vitamin/Mineral/Phytonutrient - 31 Day Supply with case.** \$65 Call (605)660-2646.

**GE Dryer, \$50.** Available 12/11/13, (605)665-3077.

**Nice brown bowed 6-1/2' floor lamp with adjustable light, \$75.** Call (605)661-7327.

**White GE Profile dryer, works great, \$100.** (605)661-3073 or (605)661-5533.



**1790 Lawn - Garden**

**Sears Craftsman 46 inch deck, 21 HP Briggs and Stratton turn tight hydrostatic riding lawn mower. 6 Bushel 2 bin soft bagger, extra new blade, used 2 and a half summers. \$1,350 firm.**

**Craftsman 33 inch, 357cc dual stage snowblower with EZ steer, heated hand grips, electric start, used less than 8 hours. \$1,250 firm.**

**Both for \$2,400 firm. Call (605)661-0321.**

**1800 Sports Equipment**

**Just in time for Christmas! "Like new" Nike Covert Driver- 3 & 5 Fairways and 7 through 60 degree VRS Forged Irons with bag. (605)857-1972.**

**1810 Tools**

**Portable dolly type winch, large hydraulic press, large arbor press also punching dies, large chop saw metal or concrete traveling table. (605)660-4620.**

**1820 Give Aways**

**Free: Black weight bench.** Call (605)665-4763 after 5 pm.

**1870 Ag Equipment**

**2006 John Deere 5525 asking \$9700, has cab heat/air, 91HP, FWD, 540 PTO, gasperly2@outlook.com/ (605)223-1569.**

**2010 Legal and Public Notices**

12+2+9+16  
STATE OF SOUTH DAKOTA) :§  
COUNTY OF YANKTON)

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

PRO. 13-50  
NOTICE TO CREDITORS

IN THE MATTER OF THE ESTATE OF

CARLA K. CAP,  
Deceased.

Notice is given that on the 18th day of November, 2013, MYLA GAUTREAUX, whose address is 414 West 15th Street #60, Yankton, South Dakota 57078, was appointed as personal representative of the estate of CARLA K. CAP.

Creditors of decedent must file their claims within four months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

Dated this 26th day of November, 2013.

/s/ \_\_\_\_\_  
David D. Knoff  
KENNEDY PIER  
KNOFF LOFTUS, LLP  
322 Walnut Street  
Yankton, SD 57078  
(605) 665-3000  
Attorney for Personal Representative

JODY JOHNSON  
Yankton Co Clerk of Courts  
410 Walnut Street - Suite 205  
Yankton, SD 57078  
605-668-3080

MYLA GAUTREAUX  
414 West 15th Street #60  
Yankton, SD 57078  
(605) 664-1633  
Personal Representative

12+2+9+16  
STATE OF SOUTH DAKOTA) :§  
COUNTY OF YANKTON)

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

PRO. 13-51  
NOTICE TO CREDITORS

IN THE MATTER OF THE ESTATE OF

ROBERT D. VESPER,  
Deceased.

Notice is given that on the 19th day of November, 2013, EVA VESPER, whose address is 44497 Chris Road, Mission Hill, South Dakota 57046, was appointed as personal representative of the estate of ROBERT D. VESPER.

**2010 Legal and Public Notices**

Creditors of decedent must file their claims within four months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

Dated this 26th day of November, 2013.

/s/ \_\_\_\_\_  
DAVID D. KNOFF  
KENNEDY PIER KNOFF  
LOFTUS, LLP  
322 Walnut Street  
Yankton, SD 57078  
605-665-3000  
Attorney for Personal Representative

JODY JOHNSON  
Yankton Co Clerk of Courts  
410 Walnut Street - Suite 205  
Yankton, SD 57078  
605-668-3080

EVA VESPER  
44497 Chris Road  
Mission Hill, SD 57046  
(605) 660-0915  
Personal Representative

12+9+16+23+30  
STATE OF SOUTH DAKOTA) :§S:  
COUNTY OF YANKTON)

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT  
CIV. #13-445  
SUMMONS

KIM ANDREWS,  
Plaintiffs,

vs.

ALLEN A SOSSAN, D.O., also known as ALAN A SOOSAN, also known as ALLEN A. SOSSAN, LEWIS & CLARK SPECIALTY HOSPITAL, LLC, a South Dakota Limited Liability Company, and RECONSTRUCTIVE SPINAL SURGERY AND ORTHOPEDIC SURGERY, P.C., a New York Professional Corporation,

Defendants.

TO THE ABOVE NAMED DEFENDANTS, ALLEN A. SOSSAN, D.O. a/k/a ALAN A SOOSAN, a/k/a ALLEN A SOSSAN AND RECONSTRUCTIVE SPINAL SURGERY AND ORTHOPEDIC SURGERY, P.C., 2200 NO. 49TH STREET, NORFOLK, NEBRASKA, 68701:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint, of the above-named Plaintiff, a copy of which is hereto annexed and herewith served upon you, and to serve copies of your Answer on the Attorney for the Plaintiff at his office at P.O. Box 879 - 721 Douglas Avenue, Ste. 102, Yankton, SD 57078, within thirty (30) days after the service of this Summons upon you, exclusive of the day of service, and if you fail to answer within the said time, judgment by default may be rendered against you for the relief requested in the Complaint. A copy of this Summons and Complaint for medical malpractice have been filed with the Clerk of the above captioned Court.

Dated this 3 day of December 2013.

/s/ \_\_\_\_\_  
Timothy L. James  
P.O. Box 879  
721 Douglas, Ste. 102  
Yankton, SD 57078  
(605)665-0594  
Attorney for Plaintiff

STATE OF SOUTH DAKOTA) :§S:  
COUNTY OF YANKTON)

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT  
CIV. #13-445  
COMPLAINT AND JURY DEMAND

KIM ANDREWS,  
Plaintiffs,

vs.

ALLEN A SOSSAN, D.O., also known as ALAN A SOOSAN, also known as ALLEN A. SOSSAN, LEWIS & CLARK SPECIALTY HOSPITAL, LLC, a South Dakota Limited Liability Company, and RECONSTRUCTIVE SPINAL SURGERY AND ORTHOPEDIC SURGERY, P.C., a New York Professional Corporation,

Defendants.

**2010 Legal and Public Notices**

COMES NOW Plaintiff, Kim Andrews, and for her Complaint against the above-named Defendants, Allen A. Sossan, D.O., a/k/a Alan A. Soosan, a/k/a Allen A. Soosan, Lewis & Clark Specialty Hospital, LLC, and Reconstructive Spinal Surgery and Orthopedic Surgery, P.C., states and alleges as follows:

**JURISDICTION AND VENUE**

1. Plaintiff, Kim Andrews, is a resident of Nebraska.

2. Defendant, Allen A. Sossan, D.O. ("Sossan") was at all times material hereto a resident of the State of Nebraska and engaged in the practice of medicine in the States of Nebraska and South Dakota and licensed as a physician under the laws of both of those States and at all times material was providing medical services to Plaintiff and at all times material was an employee, agent, and shareholder of Defendant, Lewis & Clark Specialty Hospital, LLC, and Defendant, Reconstructive Spinal Surgery and Orthopedic Surgery, P.C., and acting within the scope of this employment with both.

3. Defendant, Lewis & Clark Specialty Hospital, LLC ("Hospital") was at all times material hereto a South Dakota Limited Liability Company organized for the purpose of providing medical services with its principal place of business in Yankton, South Dakota and at all times material had under its control and direction as its employee, shareholder and agent, Defendant, Sossan, who was acting within the scope of his employment and agency, thus subjecting Hospital to vicarious liability for the acts and omissions of Sossan. Hospital further has institutional liability in its own right for its failures, acts and omissions administratively and in the care provided to Plaintiff by its employees and agents.

4. Defendant, Reconstructive Spinal Surgery and Orthopedic Surgery, P.C., was at all times material hereto, a dissolved New York Professional Corporation, registered in the State of Nebraska and organized for the purpose of providing medical services and at all times material had under its control and direction as its employee and agent Defendant, Sossan, who was acting within the scope of his employment and agency, thus subjecting Reconstructive Spinal Surgery and Orthopedic Surgery, P.C. to vicarious liability for the acts and omissions of Sossan.

5. The acts that gave rise to this Complaint occurred in Madison County, Nebraska and Yankton County, South Dakota.

**GENERAL ALLEGATIONS**

6. On or about March 21, 2011, Plaintiff suffered a lifting injury to her back and was admitted as an inpatient at Avera Sacred Heart Hospital where she was seen by Sossan although she had no prior physician/patient relationship with Sossan.

7. During Plaintiff's first encounter with Sossan and while Plaintiff was in severe pain, Sossan advised Plaintiff that she absolutely required a series of surgeries for her lifting injury, including spine surgery from levels L3 to S1 and both sacroiliac joints.

8. During Plaintiff's first encounter with Sossan, he advised Plaintiff that despite her fear of back surgery, if she would permit him to perform the proposed spine surgeries she would be 100% pain free.

9. During Plaintiff's first encounter with Sossan, and as further enticement, Sossan advised Plaintiff that he had recently performed the same surgical procedures on a construction worker who then returned to work within a very short time without any pain and that Plaintiff would achieve the same results with Sossan's proposed surgeries.

10. Sossan advised Plaintiff that although the surgeries were absolutely necessary he would first have to "go through the motions" of performing injections and radiofrequency for the sole purpose of securing approval for spinal surgeries.

11. At no time did Sossan offer Plaintiff any conservative measures or alternative therapies to address Plaintiff's back symptoms.

12. At no time did Sossan explain the medical necessity or lack thereof for the spine surgeries, the likelihood that Plaintiff would actually benefit from the spine surgeries, that the lifting injury symptoms may resolve without the surgeries or explain the risks of any spine surgeries, specifically that fusion surgery would likely cause additional issues at adjacent vertebral levels and that Plaintiff may have continuing or worsening back symptoms.

13. Following Plaintiff's discharge from Avera Sacred Heart on March 24, 2011, Plaintiff's condition began to improve without treatment.

14. On or about April 1, 2011, Sossan performed injections on plaintiff at Hospital and Plaintiff's condition continued to improve such that Plaintiff was able to participate in family outings and vacation without limitations.

15. On or about April 29, 2011, Sossan performed radiofre-

**2010 Legal and Public Notices**

quency ablation on Plaintiff at Hospital and Plaintiff's condition had improved to pre-injury status and Plaintiff was doing her regular activities including carrying her laundry basket up and down the basement stairs and maintaining her lifestyle with anti-inflammatory and pain medications.

16. Prior to meeting Sossan, Plaintiff had never been a candidate for spinal surgery, did not want spinal surgery and feared having such a surgery.

17. Despite Plaintiff's marked improvement and return to pre-injury status, Sossan convinced Plaintiff, by false representations of absolute necessity and being completely pain free, to undergo the first extensive fusion surgery with an anterior approach from L-4 to S-1, on or about May 10, 2011, at Hospital.

18. When Plaintiff asked Sossan why he was just doing L-4 to S-1 when he had previously stated that it was absolutely necessary to do L-3 to S-1 and the sacroiliac joints, Sossan explained that it was too dangerous to leave a patient on the surgery table for that length of time and the other areas would have to be addressed in separate procedures.

19. In fact, Sossan knew that three level fusions were rarely indicated and Hospital had advised Sossan that he would not be allowed to proceed with three level fusions at Hospital.

20. On or about May 10, 2011, Sossan assisted by Kynan C. Trail, M.D. (Trail) a co-owner/shareholder of Hospital with Sossan, performed unnecessary spinal fusion surgery on Plaintiff at Hospital including anterior incision and fusion at levels L-4 and L-5 with cage placement resulting in Plaintiff's hospitalization at Hospital through May 15, 2011.

21. At no time did Trail or Sossan inform Plaintiff that they were both shareholders of Hospital and by recommending surgical procedures, not only stood to gain financially from performance of the surgery but also from the profit in Plaintiff's use of Hospital's surgical suite, staff, equipment and goods and Plaintiff's extended post-operative stay at Hospital.

22. At no time did Trail or Sossan inform Plaintiff of the medical necessity of the surgery, the likely and realistic outcomes of the surgery or the risks of the procedure and most specifically that they had recently experienced severe complications in another patient from anterior surgery.

**2010 Legal and Public Notices**

23. At no time did Trail or Sossan inform Plaintiff that the anterior spinal surgery would likely result in additional symptoms at adjacent levels or that Plaintiff may have continuing or worsening symptoms.

24. On or about May 25, 2011, Sossan performed additional unnecessary spinal fusion surgery on Plaintiff at Hospital including posterior incision and fusion at levels L-4 and L-5 with instrumentation resulting in Plaintiff's hospitalization at Hospital through May 28, 2011.

25. On or about June 29, 2011, Sossan performed unnecessary bilateral sacroiliac joint injections on Plaintiff at Hospital.

26. On or about October 24, 2011, Sossan performed additional unnecessary spinal surgery on Plaintiff at Hospital including posterior exploration with total laminectomy and bilateral facetectomy and transfacet and far lateral discectomy and neural foraminyotomy with bilateral L-4 to S-1 internal neurolyses and release of adhesions with fluoroscopic guidance resulting in Plaintiff's hospitalization at Hospital through October 26, 2011.

27. On or about January 6, 2012, Sossan performed unnecessary S1 or S-3 bilateral Dorsal Primary Rami Medial Branch Nerve Radiofrequency Ablation on Plaintiff at Hospital.

28. On or about February 3, 2012, Sossan performed additional unnecessary spinal surgery on Plaintiff at Hospital including left sacroiliac joint fusion with implants resulting in Plaintiff's hospitalization at Hospital through February 4, 2012.

29. Sossan advised Plaintiff that she would need to return to have the right sacroiliac joint fused in the near future.

30. During Plaintiff's hospitalization at Hospital, Plaintiff was given morphine by agents by Hospital despite her documented allergy to morphine which resulted in a severe allergic reaction.

31. Following Plaintiff's February 3, 2012 procedure, Sossan, who had already lost surgical privileges at other hospitals, was finally banned from performing any spinal surgeries at Hospital.

32. Sossan failed to tell Plaintiff the truth about his status but rather continued scheduling unnecessary appointments with Plaintiff to continue to bill Plaintiff and to mislead Plaintiff to prevent her from seeing another spinal surgeon.

33. Plaintiff has been un-

**CROSSWORD**

By THOMAS JOSEPH

ACROSS 45Cars'

1 Spots for scars

6 Barney's

10 One of

11 From the

13 Blown

14 Sky blue

15 Squirrel's

16 Make

18 In the

19 Pioneer-

22 Early auto

23 Solitary

24 Fall flower

27 More

28 Field crop

29 Univ. or

30 Perceptive

35 Cain's

36 Writer

37 S&L

38 Coup —

40 Detroit

42 Wear

43 Boot out

44 Ignored

the limit

P	A	P	A	V	A	S			
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**Saturday's answer**

12	One in	27	Like
13	charge	28	some
14	Letter	29	candles
15	before	30	Bashful
16	sigma	31	Assessed
17	Game	32	"Eat up!"
18	setting	33	Put up
19	21	34	Pub
20	Hawaiian	35	pastime
21	hello	36	Sports
22	24	37	drink
23	Assent	38	suffix
24	25	39	"—
25	Crossword	40	had it!"
26	fans		
27	Bird's		
28	perch		

NEW CROSSWORD BOOK! Send \$4.75 (check/m.o.) to Thomas Joseph Book 1, P.O. Box 536475, Orlando, FL 32853-6475

1	2	3	4	5	6	7	8	9
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