

NO. 89-028771

COPY

DAVID DAVIS, INDIVIDUALLY AND §
AS NEXT FRIEND OF STEFAIN DAVIS §
AND AYESHA HARPER; §

Plaintiffs, §

VS. §

AARON FAMILY PLANNING CLINIC OF §
HOUSTON, INC.; §

ROBERT HANSON, M.D.; §

LUVINA ROBERTSON; and §

LINDA HILLIARD, §

Defendants. §

IN THE DISTRICT COURT OF

HARRIS COUNTY TEXAS

215 TH JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

David Davis, Individually and as next friend of Stefain Davis and Ayesha Harper, Plaintiffs, complain of Aaron Family Planning Clinic of Houston, Inc., Robert Hanson, M.D., Luvina Robertson and Linda Hilliard, Defendants, and for causes of action shows:

I.

Plaintiffs are residents of Harris County, Texas.

Defendant Aaron Family Planning Clinic of Houston, Inc., ("Clinic") is a Texas corporation which may be served with process herein by serving its President, ^{DR.} Dr. Douglas A. Karpen, 6420 Hillcroft, Suite 500, Houston, Texas 77081.

Defendant Robert Hanson, M.D. ("Dr. Hanson") is an individual who may be served with process herein by serving him at his place of business 6420 Hillcroft, Suite 500, Houston, Texas 77081.

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BY _____
DEPUTY

Defendant Luvina Robertson ("Nurse Robertson") is an individual who may be served with process herein by serving her at her place of business 6420 Hillcroft, Suite 500, Houston, Texas 77081 .

Defendant Linda Hilliard ("Hilliard") is an individual who may be served with process herein by serving her at her place of business 6420 Hillcroft, Suite 500, Houston, Texas 77081.

II.

Venue of this action is proper in Harris County, Texas, because the cause of action that is the basis of this lawsuit or a part thereof accrued in Harris County, Texas.

III.

Prior hereto and pursuant to law, Section 4.01 of the Malpractice Act, Plaintiffs gave notice to Defendants of the matters complained of herein. However, the time for making disposition of said claim has expired and Defendants have failed and refused to dispose of this claim, forcing Plaintiffs to file this lawsuit. Alternatively, all conditions precedent have been performed or have occurred prior to the filing of this lawsuit or the trial of this cause.

IV.

It has been necessary to file this lawsuit by reason of the death of Glenda H. Davis, which resulted from injuries suffered by her on March 11, 1989, and from which she continued to suffer until March 14, 1989, when her death occurred.

V.

Plaintiffs are all the heirs entitled to bring this action pursuant to § 71.021 et seq. of the Texas Civil Practice and Remedies Code, commonly referred to as the Texas Survival Statute. Their names and relationship to Glenda H. Davis, deceased, (hereinafter referred to as "decedent") are:

Name	Relationship to Decedent
David Davis	Husband
Stefain Davis	Minor Child
Ayesha Harper	Minor Child

There is no legal representative and none is required.

VI.

David Davis, Stefain Davis and Ayesha Harper are, respectively, the surviving widower, surviving minor son and surviving minor daughter of decedent. They bring this action pursuant to § 71.001 et seq. of the Texas Civil Practice and Remedies Code, commonly referred to as the Texas Wrongful Death Act.

VII.

On or about March 11, 1989, the decedent, Glenda H. Davis, submitted herself for surgical procedures to Aaron Family Planning Clinic of Houston, Inc. and was accepted as a patient, for a considerable fee, and she relied on Clinic and its management to provide her with medical care with that degree of skill and knowledge required and expected of reasonably prudent medical doctors, administrators, managers, nurses, and persons performing medical services upon patients in this community. But for such assurance and representations, Glenda H. Davis, being unlearned

and unskilled in the practice of medicine, would not have submitted herself to Aaron Family Planning Clinic of Houston, Inc. for care.

VIII.

More particularly, the decedent, Glenda H. Davis, was, after being driven to the clinic by her husband, David Davis, admitted as a patient to Aaron Family Planning Clinic of Houston, Inc. on March 11, 1989, for an abortion and other surgical procedures. After consultation with Defendant Clinic's staff, decedent decided to proceed with the procedure. Robert Hanson, M.D., administered anesthesia to Glenda H. Davis and performed the abortion procedure. During the procedure, Dr. Hanson perforated the decedent's uterus with a "vacurette" which made a 1.5-2 inch perforation in the right uterine artery and vein complex. Glenda H. Davis was then extubated and taken to the recovery room. After a period of time it was decided that Glenda H. Davis was to be transferred by Defendant Linda Hilliard and Defendant Luvina Robertson in Linda Hilliard's personal automobile to HCA Spring Branch Memorial Hospital's emergency room. At that point, David Davis, who was waiting in the clinic, went to get his automobile in order to follow Hilliard's automobile to HCA Spring Branch Memorial Hospital. Upon driving up to Hilliard's vehicle David Davis observed Defendants Hilliard and Nurse Robertson attempting to place Glenda H. Davis in Hilliard's automobile from a wheelchair. David Davis, noticing that Defendants Hilliard and Nurse Robertson were having extreme difficulty picking decedent up, got out of his car and assisted them in putting his wife in

Hilliard's vehicle. All the while, an IV solution was embedded in and hanging from decedent's arm. Defendants Hilliard and Nurse Robertson drove decedent to HCA Spring Branch Memorial Hospital's emergency room. Upon decedent's arrival at HCA Spring Branch Memorial Hospital, she was in an acute state of shock with no recordable systolic blood pressure, almost no recordable peripheral pulses and she was cold, clammy and pale. After lengthy and extensive lifesaving techniques at HCA Spring Branch Memorial Hospital and after many hours of conscious pain and suffering decedent thereafter became comatose and died thereafter on March 14, 1989. Robert Hanson, M.D., Nurse Luvina Robertson and Linda Hilliard, who were credentialed or employed by Aaron Family Planning Clinic of Houston, Inc., were negligent in their treatment of Glenda H. Davis, which negligence was a proximate cause of her injury and subsequent death.

IX.

Defendant Aaron Family Planning Clinic of Houston, Inc. failed to provide and insure enforcement of proper policies and regulations that would insure that the medical services and care provided to Glenda H. Davis were in accordance with the standard of good medical practice in this community, and such failure proximately resulted in the injury, coma and death of Glenda H. Davis and the resulting injuries and damages to her husband and minor children.

Pleading further, Plaintiffs would say and show that Defendant Aaron Family Planning Clinic of Houston, Inc., acting by and through its officers, agents and employees and/or Defendants

Robert Hanson, M.D., Luvina Robertson and Linda Hilliard, one or all of them were negligent in the following counts and including among other things the following:

(a) In failing to properly supervise or monitor the actions and conduct of Defendant Robert Hanson, M.D., or institute a proper monitoring and supervision program for Robert Hanson, M.D. or insure that such program was in effect and being followed;

(b) In failing to establish proper guidelines, procedures, standards and supervision for the operating room and the recovery room;

(c) In failing to adequately perform an abortion procedure;

(d) In inadequately monitoring and evaluating the quality and appropriateness of anesthesia services;

(e) In failing to administer the proper type and/or dose of anesthesia;

(f) In failing to provide proper post-procedure aid to Glenda H. Davis;

(g) In failing to monitor and evaluate the quality and appropriateness of emergency services;

(h) In failing to adequately perform proper emergency care procedures;

(i) In failing to provide appropriate emergency transportation.

Each of the above acts and omissions of negligence were a proximate cause of Glenda H. Davis' injuries and death.

X.

Plaintiffs would further show that the negligent acts and omissions of Defendants, as specifically alleged above, evidenced such an entire want of care as to establish that the acts and omissions were the result of conscious indifference to the rights, safety or welfare of Glenda H. Davis and therefore Plaintiffs hereby sue for punitive or exemplary damages in order to punish Defendants for their behavior and to serve as a warning and as a deterrent to others who might be otherwise so inclined to act.

XI.

Prior to the aforementioned breaches and negligence of these Defendants, Glenda H. Davis was a happy and healthy woman. She was in good health, 31 years of age, with a life expectancy of 45.0 more years according to the United States Life Tables, 1983, a certified copy of which will be used in evidence at the trial of this case.

Glenda H. Davis was a loving wife, provider and the devoted mother of two young children. She was providing her family with not only the necessities of life, but with care, nurture, guidance, protection, help, emotional and financial support and maintenance, love, affection, solace, comfort, companionship, society, assistance and education. Your minor Plaintiffs have suffered and will continue to suffer from the great loss of the care, maintenance, support, services, education, advise, counsel, guidance, protection, help, emotional and financial support, love, affection, solace, comfort, companionship, society and

assistance from their mother. Plaintiffs experienced the horror of watching the devastation of their mother's condition on a day to day basis. This horror was further complicated by their having to deal with the anguish of missing the love and attention of their mother. They were too young to understand what and why this had happened. They could only feel abandoned. They have experienced and will continue to experience mental anguish, grief, bereavement, and physical emotional trauma by reason of the devastating injury to their mother, her resulting death, and the permanent loss of their mother. Their family has been destroyed and the loving parent-child relationship they once had has been forever terminated.

David Davis, has further, as husband of Glenda H. Davis, deceased, incurred expenses and/or debts for the cost of the reasonable and necessary medical, hospital and nursing care of his wife and for her funeral and burial and as husband of Glenda H. Davis, Plaintiff David Davis sues Defendants for such damages.

David Davis and Glenda H. Davis had a special intimate relationship as husband and wife and because of the negligence of the Defendants as stated above, David Davis has been deprived of his wife's care, maintenance, support, services, advise, counsel, affection, solace, comfort, companionship, society, assistance, sexual relations, emotional support and love. Glenda H. Davis was rendered unconscious on March 11, 1989. For a total of four (4) days, up to the day she died, David Davis witnessed the slow death of his wife. Their unique and loving husband-wife relationship has been forever terminated. He has experienced and

will continue to experience mental anguish, grief and bereavement, and physical and emotional trauma as a result of the death of his beloved wife. His family has been destroyed and his life will never be the same.

Glenda H. Davis was institutionalized, incapacitated, and unable to do anything from the date of the incident in question until the date of her death on March 14, 1989. During that period of time, she suffered physical pain, mental anguish, physical impairment, disfigurement, and loss of earnings for which her heirs at law now sue the Defendants.

Because of all of the matters and things in these paragraphs alleged, Plaintiffs are entitled to and herenow sue the Defendants, in the amount of Ten Million Dollars (\$10,000,000.00) for actual damages. In addition to the actual damages sustained by Plaintiffs, this suit is maintained for the gross negligent conduct of Defendants, one and/or all of them, and Plaintiffs are entitled to and herenow sue these Defendants, one and/or all of them, for punitive or exemplary damages in the amount of Twenty Million Dollars (\$20,000,000.00).

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that upon final trial of this case judgment be rendered against Defendants, jointly and severally, for actual damages in the amount of Ten Million Dollars (\$10,000,000.00), for punitive or exemplary damages against Defendants, jointly and severally, in the amount of Twenty Million Dollars (\$20,000,000.00), together with prejudgment interest thereon in accordance with law, for interest from the date of judgment until paid at the maximum legal rate,

for costs of court, and for all such other and further relief,
both general and special, legal and equitable, to which Plain-
tiffs have shown or may show themselves justly entitled.

Respectfully submitted,

MOSIER, McENRUE & LICATA, P.C.

By: 

PAUL E. LICATA

TBC #12525500

By: 

SCOTT S. VASQUEZ

TBC #20502675

1900 Yorktown, Suite 600

Houston, Texas 77056

(713) 621-1975

ATTORNEYS FOR PLAINTIFFS
DAVID DAVIS, INDIVIDUALLY AND
AS NEXT FRIED OF STEFAIN DAVIS
AND AYESHA HARPER

THE LAW OFFICES OF
WENDLE VAN SMITH
ATTORNEY AND COUNSELOR AT LAW
1100 ARENA TOWER I
7322 SOUTHWEST FREEWAY
SUITE 1100
HOUSTON, TEXAS 77074