



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SYNDRA FEETHAM and PAUL FEETHAM,

Plaintiffs,

Case No. 10-

-NH

-vs-

Hon.

THEODORE ROUMELL, M.D., A. ALBERTO
HODARI, M.D., and WOMANCARE OF
SOUTHFIELD, P.C.,

Defendants.

GREGORY M. BEREZNOFF (P29104)
RONDA M. LITTLE (P47236)
Attorneys for Plaintiff
812 S. Main, Suite 230
Royal Oak, MI 48067-3280
(248) 543-1920

BY:
DEPUTY COUNTY CLERK

2018 SEP 22 AM 9:28

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COMPLAINT AND DEMAND FOR JURY TRIAL

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge. I do not know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

By:


GREGORY M. BEREZNOFF (P29104)

NOW COME the Plaintiffs, SYNDRA FEETHAM, and her husband, PAUL FEETHAM, by and through their attorneys, THE LAW OFFICES OF GREGORY M. BEREZNOFF, P.C., and complains against the above-named Defendants as follows:

1. At all times relevant hereto, Plaintiffs were residents of the City of Gaines,

County of Genesee, State of Michigan.

2. At all times relevant hereto, Defendant, THEODORE ROUMELL, M.D., was engaged in the practice of his profession in the City of Southfield, County of Oakland, State of Michigan.

3. At all times relevant hereto, Defendant, A. ALBERTO HODARI, M.D., was engaged in the practice of his profession in the City of Southfield, County of Oakland, State of Michigan.

4. At all times relevant hereto, Defendant, WOMANCARE OF SOUTHFIELD, P.C., was a professional corporation organized and existing pursuant to the laws of the State of Michigan and doing business in the City of Southfield, County of Oakland, State of Michigan.

5. In 2008, Plaintiff, SYNDRA FEETHAM, became pregnant with her third child.

6. Prenatal screening and work-up revealed that the fetus carried trisomy 21-Down's Syndrome.

7. After consultation with a Maternal Fetal Specialist, Plaintiffs, SANDRA FEETHAM and PAUL FEETHAM, decided to terminate the pregnancy.

8. On June 25, 2008, Plaintiff, SYNDRA FEETHAM, presented to Defendant, WOMANCARE OF SOUTHFIELD, P.C., for pregnancy termination at 19 weeks gestation.

9. Plaintiff, SYNDRA FEETHAM, was examined by Defendant, THEODORE ROUMELL, M.D. and/or A. ALBERTO HODARI, M.D.

10. An ultrasound was performed, laminaries were inserted, and a Diogoxin injection was given intra-abdominally through the uterine wall into the fetus.

11. On June 26, 2008, Plaintiffs, SYNDRA FEETHAM, and PAUL FEETHAM,

returned to Defendant, WOMANCARE OF SOUTHFIELD, P.C., as instructed, for completion of the termination procedure.

12. Plaintiff, SYNDRA FEETHAM, was examined by Defendant, THEODORE ROUMELL, M.D., and/or Defendant, A. ALBERTO HODARI, M.D.

13. After Defendant(s), confirmed fetal demise, the procedure was started.

14. Plaintiff, SYNDRA FEETHAM, was in the operating room from 9:55 a.m. to 10:53 a.m. and Defendant, THEODORE ROUMELL, M.D., and/or A. ALBERTO HODARI, M.D., were unable to complete the procedure.

15. Plaintiff, SYNDRA FEETHAM, was sent to the recovery room.

16. At 1:24 p.m., the surgery was resumed by Defendant, THEODORE ROUMELL, M.D., and/or A. ALBERTO HODARI, M.D.

17. Defendant, THEODORE ROUMELL, M.D., documented that the cervix was firm but open and that fetal parts were removed, including extremities, abdominal contents, ribs, chest and spine.

18. Defendant, THEODORE ROUMELL, M.D., documented that due to the cervix clamping down with the introduction of Pitocin, the fetal head could not be grasped.

19. Further attempts to remove the fetal head, were not successful.

20. Plaintiff, SYNDRA FEETHAM, became hypotensive, and at 2:55 p.m., an ambulance was called for transport to the hospital

21. EMS transported Plaintiff, SYNDRA FEETHAM, to William Beaumont Royal Oak Emergency Department arriving at 3:30 p.m.

22. Plaintiff, SYNDRA FEETHAM, was found to be in early hemorrhagic shock and two units of blood were transfused.

23. Plaintiff, SYNDRA FEETHAM, was taken emergently to the operating room.

24. Initially, a diagnostic laparoscopy was attempted but due to findings of a large defect in the cul-de-sac and lacerations in the pelvic floor, it was decided to proceed with exploratory laparotomy.

25. Upon entering the abdomen, the cul-de-sac was found to be full of blood; once evacuated, it was determined that both broad band ligaments were injured, the cervix had an almost complete circumferential tear, and there were numerous vaginal lacerations.

26. Due to the extensive bleeding and injuries, it was determined that the uterus and left ovary were not salvageable and a total abdominal hysterectomy and left salpingo-oophorectomy were performed.

27. A cystostomy and bilateral stents were placed prophylactically in the ureters.

28. The multiple vaginal lacerations were sutured and the vagina was packed to control further bleeding.

29. Plaintiff, SYNDRA FEETHAM, had an estimated blood loss of 2700 ml, and intra-operatively, she required four units of blood, one unit of fresh frozen plasma, one Hespan, and nine liters of crystalloids.

30. Plaintiff, SYNDRA FEETHAM, was sent to the intensive care unit where she remained for several days.

31. While in the Intensive Care Unit, Plaintiff, SYNDRA FEETHAM, required additional blood transfusions, narcotics for pain relief, antibiotics, and oxygen.

32. On July 5, 2008, Plaintiff, SYNDRA FEETHAM, was discharged from William Beaumont Hospital.

33. After discharge, Plaintiff, SYNDRA FEETHAM, required follow-up monitoring

and care, including removal of the urinary stents and foley catheter, and removal of the abdominal staples.

34. Due to the circumstances of the pregnancy termination procedure Plaintiff, SYNDRA FEETHAM, has lost her reproductive capacity and suffered injuries and damages as set forth herein.

35. The amount in controversy in this cause exceeds Twenty-Five Thousand (\$25,000) Dollars, exclusive of interest, costs, and attorney fees, and this action is otherwise within the jurisdiction of this Court.

COUNT I

36. Plaintiff repeats and realleges each and every allegation of Paragraphs 1-35 with the same force and effect as though set forth in full herein.

37. At all times relevant hereto, Defendant, THEODORE ROUMELL, M.D. was the apparent, ostensible, implied, and/or express agent of, and/or was employed by Defendant, WOMANCARE OF SOUTHFIELD, P.C., and was acting in the course and scope of said employment, and/or agency, when the acts of malpractice and/or negligence hereinafter set forth and described were committed thereby imposing vicarious liability upon Defendant, WOMANCARE OF SOUTHFIELD, P.C., by reason of the doctrine of respondeat superior.

38. At all times relevant hereto, Defendant, THEODORE ROUMELL, M.D., undertook to provide Plaintiff, SYNDRA FEETHAM, with necessary and proper medical care, and further held himself out to the public, and in particular to Plaintiff, SYNDRA FEETHAM, as a skilled and competent medical doctor capable of properly and skillfully treating individuals seeking his services.

39. At all times relevant hereto, Defendant, THEODORE ROUMELL, M.D., owed Plaintiff, SYNDRA FEETHAM, the duty to provide her with care and treatment in accordance with the standards of care applicable to physicians specializing in Obstetrics and Gynecology.

40. Defendant, THEODORE ROUMELL, M.D., violated the aforesaid duties owed to Plaintiff, in the following particulars:

- A. Failing to have the appropriate degree of skill, training, and experience to properly perform the patient's second trimester pregnancy termination.
- B. Failure to timely refer the patient to a physician who had the appropriate degree of skill, training, and experience to properly perform the patient's second trimester pregnancy termination procedure.
- C. Failure to obtain adequate cervical dilation prior to attempts to remove the fetus/fetal parts, including, but not limited to, the failure to appropriately use laminaria.
- D. Failure to recognize that removal of the fetal head and other fetal parts was not possible due to the contracture and closure of the cervical opening and not proceeding with extraction attempts until adequate cervical dilation could be achieved.
- E. Failure to avoid excessive force and traction during the termination procedure such that the internal structures of the pelvic floor, uterine ligaments, uterus, cervix, and vagina were lacerated, macerated, and damaged to the degree that a total abdominal hysterectomy, left salpingo-oophorectomy, cystotomy with bilateral urinary stent placement, and further surgical repair was required.
- F. Failure to use ultrasound guidance to aid in fetal extraction and to avoid and/or promptly detect cervical, uterine, and/or other injuries.
- G. Failure to appropriately use Pitocin during the termination procedure, including but not limited to, the failure to avoid Pitocin until after the fetal head had been removed

- H. Failure to timely diagnose the vaginal, cervical, and/or uterine lacerations, resulting in further injury to those tissues and the adjacent structures.
- I. Failure to timely transfer the patient to the hospital for completion of the pregnancy termination procedure before the patient was irreparably injured.
- J. Such other acts of negligence and/or malpractice as may be determined through discovery and/or other methods.

41. As a direct and proximate result of the aforementioned acts of negligence and malpractice, Plaintiff, SYNDRA FEETHAM, has suffered and continues to suffer severe and grievous injuries and damages, including but not limited to, the following:

- A. Physical injuries, including, but not limited to, severe lacerations and trauma to the vagina, cervix, uterus, left ovary, and surrounding structures, such that an abdominal hysterectomy, left salpingo-oophorectomy, and placement of urinary stents was required, thereby resulting in Plaintiff, SYNDRA FEETHAM'S, loss of reproductive capacity, urinary difficulties, and the sequella thereof as set forth herein and in Plaintiff's medical records;
- B. Additional surgical procedures and medical treatments which would not have been necessary in the absence of malpractice including, but not limited to, the need for laparotomy, hysterectomy, left salpingo-oophorectomy, cystotomy with bilateral stent placement, bilateral ureterolysis, vaginal sutures, and blood and blood product transfusions.
- C. Physical pain and suffering in the past, present, and future.
- D. Severe mental pain and suffering, anxiety, emotional anguish, embarrassment, humiliation, and loss of the natural enjoyments of life in the past, present, and future.
- E. Medical expenses in the past, present, and future.
- F. Loss of earnings and/or earnings capacity in the past, present, and future.
- G. Loss of household services.
- H. Scarring.

WHEREFORE, Plaintiff, SYNDRA FEETHAM, claims judgment against the Defendants, THEODORE ROUMELL, M.D., and WOMANCARE OF SOUTHFIELD, P.C., Jointly and Severally, for whatever amount Plaintiff is found to be entitled, as determined by the trier of fact, together with interest, costs and attorney fees.

COUNT II

42. Plaintiff repeats and realleges each and every allegation of Paragraphs 1-41 with the same force and effect as though set forth in full herein.

43. At all times relevant hereto, Defendant, A. ALBERTO HODARI, M.D., was the apparent, ostensible, implied and/or express agent of, and/or was employed by Defendant, WOMANCARE OF SOUTHFIELD, P.C., and was acting in the course and scope of said employment, and/or agency, when the acts of malpractice and/or negligence hereinafter set forth and described were committed thereby imposing vicarious liability upon Defendant, WOMANCARE OF SOUTHFIELD, P.C., by reason of the doctrine of respondeat superior.

44. At all times relevant hereto, Defendant, A. ALBERTO HODARI, M.D., undertook to provide Plaintiff, SYNDRA FEETHAM, with necessary and proper medical care and further held himself out to the public, and in particular to Plaintiff, SYNDRA FEETHAM, as a skilled and competent medical doctor capable of properly and skillfully treating individuals seeking his services.

45. At all times relevant hereto, Defendant, A. ALBERTO HODARI, M.D., owed Plaintiff, SYNDRA FEETHAM, the duty to provide her with care and treatment in accordance with the standards of care applicable to physicians specializing in Obstetrics and Gynecology.

46. Defendant, A. ALBERTO HODARI, M.D., violated the aforesaid duties owed to Plaintiff, in the following particulars:

- A. Failing to have the appropriate degree of skill, training, and experience to properly perform the patient's second trimester pregnancy termination.
- B. Failure to timely refer the patient to a physician who had the appropriate degree of skill, training, and experience to properly perform the patient's second trimester pregnancy termination procedure.
- C. Failure to obtain adequate cervical dilation prior to attempts to remove the fetus/fetal parts, including, but not limited to, the failure to appropriately use laminaria.
- D. Failure to recognize that removal of the fetal head and other fetal parts was not possible due to the contracture and closure of the cervical opening and not proceeding with extraction attempts until adequate cervical dilation could be achieved.
- E. Failure to avoid excessive force and traction during the termination procedure such that the internal structures of the pelvic floor, uterine ligaments, uterus, cervix, and vagina were lacerated, macerated, and damaged to the degree that a total abdominal hysterectomy, left salpingo-oophorectomy, cystotomy with bilateral urinary stent placement, and further surgical repair was required.
- F. Failure to use ultrasound guidance to aid in fetal extraction and to avoid and/or promptly detect cervical, uterine and/or other injuries.
- G. Failure to appropriately use Pitocin during the termination procedure, including but not limited to, the failure to avoid Pitocin until after the fetal head had been removed
- H. Failure to timely diagnose the vaginal, cervical, and/or uterine lacerations, resulting in further injury to those tissues and the adjacent structures.
- I. Failure to timely transfer the patient to the hospital for completion of the pregnancy termination procedure before the patient was irreparably injured.
- J. Such other acts of negligence and/or malpractice as may be determined through discovery and/or other methods.

47. As a direct and proximate result of the aforementioned acts of negligence and malpractice, Plaintiff, SYNDRA FEETHAM, suffered those injuries and damages set forth in paragraph 41, of Count I of this Complaint, and as incorporated by reference herein.

WHEREFORE, Plaintiff, SYNDRA FEETHAM, claims judgment against the Defendants, A. ALBERTO HODARI, M.D., and WOMANCARE OF SOUTHFIELD, P.C., Jointly and Severally, for whatever amount Plaintiff is found to be entitled, as determined by the trier of fact, together with interest, costs and attorney fees.

COUNT III

48. Plaintiff repeats and realleges each and every allegation of Paragraphs 1-47 with the same force and effect as though set forth in full herein.

49. As a direct and proximate result of the aforementioned wrongful conduct of Defendants, THEODORE ROUMELL, A. ALBERTO HODARI, M.D., and WOMANCARE OF SOUTHFIELD, P.C., Plaintiff, PAUL FEETHAM, has been deprived of the society, companionship, services, and consortium of his wife, Plaintiff, SYNDRA FEETHAM, and in the future will be likewise deprived.

50. As a direct and proximate result of the aforementioned wrongful conduct of the Defendants herein, Plaintiff, PAUL FEETHAM, has incurred and/or will incur in the future, medical and hospital expenses.

WHEREFORE, Plaintiff, PAUL FEETHAM, claims Judgment against the Defendants, THEODORE ROUMELL, A. ALBERTO HODARI, M.D., and WOMANCARE OF SOUTHFIELD, P.C., for whatever amount Plaintiff is found to be entitled, as determined by the trier of fact together with interest, costs, and attorney fees.

LAW OFFICES OF GREGORY M. BEREZNOFF



GREGORY M. BEREZNOFF (P29104)
RONDA M. LITTLE (P47236)
Attorneys for Plaintiff
812 S. Main Street, Suite 230
Royal Oak, MI 48067-3280
(248) 543-1920/Fax (248) 543-2533

DEMAND FOR JURY TRIAL

NOW COME the Plaintiffs, SYNDRA FEETHAM and PAUL FEETHAM, by and through their attorneys, THE LAW OFFICES OF GREGORY M. BEREZNOFF, and hereby demand a jury trial of all factual issues presented in the above-entitled cause of action.

LAW OFFICES OF GREGORY M. BEREZNOFF



GREGORY M. BEREZNOFF (P29104)
RONDA M. LITTLE (P47236)
Attorneys for Plaintiff
812 S. Main Street, Suite 230
Royal Oak, MI 48067-3280
(248) 543-1920/Fax (248) 543-2533

DATED: September 20, 2010

AFFIDAVIT OF MERIT

Your Affiant, ALBERT THOMAS, M.D. being first duly sworn, deposes and says as follows:

1. I am a Physician, Board Certified in Obstetrics and Gynecology.
2. In the year prior to the malpractice, June 2007 - June 2008, I spent a majority of my professional time in the active clinical practice of Obstetrics & Gynecology.
3. I have reviewed Plaintiffs' Notice of Intent to File a Claim and all medical records supplied to me by Plaintiffs' attorney in the matter of Feetham v Womancare of Southfield, P.C., et al.
4. As to physicians who were involved in the care and treatment of Syndra Feetham on June 25-26, 2008, including, but not limited to, Theodore Roumell, M.D., and/or A. Alberto Hodari, M.D., the standard of care required the following:
 - A. Having the appropriate degree of skill, training, and experience to properly perform the patient's second trimester pregnancy termination.
 - B. Timely referral of the patient to a physician who had the appropriate degree of skill, training, and experience to properly perform the patient's second trimester pregnancy termination procedure.
 - C. Obtaining adequate cervical dilation prior to attempts to remove the fetus/fetal parts including, but not limited to, appropriate use of laminaria.
 - D. Recognition that removal of the fetal head and other fetal parts was not possible due to the contracture and closure of the cervical opening and not proceeding with extraction attempts until adequate cervical dilation could be achieved.

- E. **Avoidance of excessive force and traction during the termination procedure such that the internal structures of the pelvic floor, uterine ligaments, uterus, cervix, and vagina were not lacerated, macerated, and damaged to the degree that a total abdominal hysterectomy, left salpingo-oophorectomy, cystotomy with bilateral urinary stent placement, and further surgical repair was required.**
- F. **Use of ultrasound guidance during the termination procedure to aid in fetal extraction and to avoid and/or properly detect uterine, cervical and/or other injuries.**
- G. **Appropriate use of Pitocin during the termination procedure, including, but not limited to, avoidance of Pitocin until after the fetal head had been removed.**
- H. **Timely diagnosis of vaginal, cervical, and/or uterine lacerations, so as to avoid further injury to those tissues and the adjacent structures.**
- I. **Timely transfer of the patient to the hospital for completion of the pregnancy termination procedure before the patient was irreparably injured.**

5. **As to the physicians who were involved in the care and treatment of Syndra Feetham, on June 25-26, 2008, including, but not limited to, Theodore Roumell, M.D., and/or A. Alberto Hodari, M.D., the violations of the standard of practice include, but are not limited to:**

- A. **Failing to have the appropriate degree of skill, training, and experience to properly perform the patient's second trimester pregnancy termination.**
- B. **Failure to timely refer the patient to a physician who had the appropriate degree of skill, training, and experience to properly perform the patient's second trimester pregnancy termination procedure.**
- C. **Failure to obtain adequate cervical dilation prior to attempts to remove the fetus/fetal parts, including, but not limited to, the failure to appropriately use laminaria.**

- D. Failure to recognize that removal of the fetal head and other fetal parts was not possible due to the contracture and closure of the cervical opening and not proceeding with extraction attempts until adequate cervical dilation could be achieved.
- E. Failure to avoid excessive force and traction during the termination procedure such that the internal structures of the pelvic floor, uterine ligaments, uterus, cervix, and vagina were lacerated, macerated, and damaged to the degree that a total abdominal hysterectomy, left salpingo-oophorectomy, cystotomy with bilateral urinary stent placement, and further surgical repair was required.
- F. Failure to use ultrasound guidance to aid in fetal extraction and to avoid and/or promptly detect cervical, uterine and/or other injuries.
- G. Failure to appropriately use Pitocin during the termination procedure, including but not limited to, the failure to avoid Pitocin until after the fetal head had been removed
- H. Failure to timely diagnose the vaginal, cervical, and/or uterine lacerations, resulting in further injury to those tissues and the adjacent structures.
- I. Failure to timely transfer the patient to the hospital for completion of the pregnancy termination procedure before the patient was irreparably injured.
- J. Such other acts of negligence and/or malpractice as may be determined through discovery and/or other methods.

6. As to the physicians who were involved in the care and treatment of Syndra Feetham, on June 25-26, 2008, including, but not limited to, Theodore Roumell, M.D., and/or A. Alberto Hodari, M.D., the action which should have been taken to achieve compliance with the standard of care included the following:

- A. Having the appropriate degree of skill, training, and experience to properly perform the patient's second trimester pregnancy termination.
- B. Timely referral of the patient to a physician who had the appropriate degree of skill, training, and experience to properly perform the patient's second trimester pregnancy termination procedure.


- C. Obtaining adequate cervical dilation prior to attempts to remove the fetus/fetal parts including, but not limited to, appropriate use of laminaria.
- D. Recognition that removal of the fetal head and other fetal parts was not possible due to the contracture and closure of the cervical opening and not proceeding with extraction attempts until adequate cervical dilation could be achieved.
- E. Avoidance of excessive force and traction during the termination procedure such that the internal structures of the pelvic floor, uterine ligaments, uterus, cervix, and vagina were not lacerated, macerated, and damaged to the degree that a total abdominal hysterectomy, left salpingo-oophorectomy, cystotomy with bilateral urinary stent placement, and further surgical repair was required.
- F. Use of ultrasound guidance during the termination procedure to aid in fetal extraction and to avoid and/or properly detect cervical, uterine and/or other injuries.
- G. Appropriate use of Pitocin during the termination procedure, including, but not limited to, avoidance of Pitocin until after the fetal head had been removed.
- H. Timely diagnosis of vaginal, cervical, and/or uterine lacerations, so as to avoid further injury to those tissues and the adjacent structures.
- I. Timely transfer of the patient to the hospital for completion of the pregnancy termination procedure before the patient was irreparably injured.

7. As the direct and proximate result of the above violations of the standard of practice, there were severe lacerations and trauma to Syndra Feetham's vagina, cervix, uterus, and surrounding structures, requiring a total abdominal hysterectomy, a left salpingo-oophorectomy, a cystotomy with bilateral urinary stent placement, surgical repair of lacerations, and transfusions of blood and blood products. If Dr. Roumell and/or Dr. Hodari, had obtained adequate cervical dilation, utilized ultrasound guidance, avoided excessive force and trauma, and/or timely diagnosed the vaginal, cervical, and

uterine injuries, the fetus could have been removed without the extensive trauma, the uterus would have been preserved, which also would have preserved Syndra Feetham's reproductive capacity, and the left salpingo-oophorectomy, cystotomy and bilateral stent placement, and sequella thereof would have been avoided, along with the massive blood loss, and need for blood transfusions.


8. The opinions expressed in this Affidavit are based upon documents and materials referred to in paragraph two above and are subject to modification based upon additional information which might be provided at some future date.

FURTHER DEPONENT SAYETH NOT.


ALBERT THOMAS, M.D.

STATE OF NEW YORK)
COUNTY OF Queens) ss

On the 31st day of August, 2010, before me personally appeared the above named, ALBERT THOMAS, M.D., who made oath that he has read the foregoing Affidavit of Merit by him subscribed and that the same is true to the best of his knowledge, except as to those matters therein stated to be upon information and belief, and as to those matters he believes them to be true.


Notary Public
Queens County, New York
My Commission Expires: March 18, 2014

YOLANDA RIVERA
Notary Public, State of New York
No. 01R16071437
Qualified in Queens County 14
Commission Expires March 18, 2014