

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS**

TELISA CHE BOYD,

Plaintiff,

vs.

HERBERT HODES, M.D.,  
Serve:  
4840 College Blvd.  
Overland Park, KS 66211

And

TRACI NAUSER, M.D.,  
Serve:  
4840 College Blvd.  
Overland Park, KS 66211

And

CENTER FOR WOMEN'S HEALTH, LLC,  
Serve Registered Agent:  
Daniel L. Breit  
1855 North Webb Road  
Wichita, KS 67206

Defendants.

Case Number:

Pursuant to K.S.A. Chapter 60

**JURY TRIAL DEMANDED**

**PETITION**

Plaintiff, TELISA CHE BOYD, states as follows for her Petition against Defendants, HERBERT HODES, M.D. (hereinafter "Hodes or Dr. Hodes"), TRACI NAUSER, M.D. (hereinafter "Nausner or Dr. Nausner"), and CENTER FOR WOMEN'S HEALTH, LLC (hereinafter "CWH"):

**GENERAL ALLEGATIONS**

1. Plaintiff, Telisa Che Boyd, is a citizen and resident of Kansas City, Wyandotte County, Kansas, and brings this action to recover for injuries and damages sustained while under the care of Defendants.
2. Defendant Hodes is a physician specializing in obstetrics and gynecology and is licensed to practice medicine in the State of Kansas and a resident of the

CERTIFICATE OF CLERK OF THE DISTRICT COURT THE  
 ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT  
 FILED ON THE 10 DAY OF SEP 20 14 AND  
 RECORDED IN THIS COUNTY, 10th JUDICIAL DISTRICT, JOHNSON  
 COUNTY, KANSAS  
 DATED THIS 16 DAY OF MAR 20 15  
 BY Katherine August Deputy  
 CLERK OF THE DISTRICT COURT



Clerk of the District Court, Johnson County Kansas  
09/10/14 09:27am SS

State of Kansas. At all times material hereto, Defendant Hodes was practicing his profession as a medical doctor in Overland Park, Johnson County, Kansas. Service may be made on Defendant Hodes as provided under Kansas law. At all times material, a physician-patient relationship existed between Defendant Hodes and Plaintiff Boyd.

3. Defendant Nauser is a physician specializing in obstetrics and gynecology and is licensed to practice medicine in the State of Kansas and a resident of the State of Kansas. At all times material hereto, Defendant Nauser was practicing her profession as a medical doctor in Overland Park, Johnson County, Kansas. Service may be made on Defendant Nauser as provided under Kansas law. At all times material, a physician-patient relationship existed between Defendant Nauser and Plaintiff Boyd.
4. Defendant CWH is a limited liability company providing services to the public in obstetrics and gynecology and is organized under the laws of the State of Kansas and a resident of the State of Kansas. At all times material hereto, Defendant CWH was providing services to the public in Overland Park, Johnson County, Kansas. Service may be made on Defendant CWH as provided under Kansas law. At all times material, a physician-patient relationship existed between Defendant CWH and Plaintiff Boyd.

#### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter as all parties are residents of the State of Kansas.

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6. The Court has proper venue as Defendants are residents of Johnson County, Kansas and the negligent acts giving rise to Plaintiff's injuries and damages occurred in Johnson County, Kansas.
7. The matter in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs.
8. Pursuant to the notice provisions of K.S.A. §40-3409, a copy of this Petition has been mailed to Rita L. Noll, Attorney for the Board of Governors, Kansas Health Care Stabilization Fund, 300 S.W. 8<sup>th</sup> Street, 2<sup>nd</sup> Floor, Topeka, Kansas 66603, by U.S. Mail, Certified and Return Receipt Requested. The original return receipt card will be filed of record.

**STATEMENT OF FACTS**

9. Plaintiff hereby adopts by reference paragraphs 1 through 8 above as if fully set forth herein.
10. Plaintiff Telisa Boyd is a woman with a history of adenomyosis and pelvic adhesions.
11. On September 18, 2012, Defendant Hodes and Defendant Nauser performed a total laparoscopic hysterectomy and bilateral salpingo-oophorectomy, by using da Vinci robots, to correct Plaintiff's medical condition. Both Defendants Hodes and Nauser were identified as surgeons for the procedure on the operative report. Plaintiff, after due diligence, has been unable to determine, and have no way of identifying each defendant physician's exact participation in the procedure giving rise to the Plaintiff's injuries.

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12. The operative report was unremarkable and showed no complications. Thereafter Plaintiff was released to home.
13. Following the surgery, Plaintiff began experiencing extreme pain and discomfort in her abdomen. She repeatedly contacted Defendant CWH and Defendant Nauser who was on-call post-surgery to inquire about her pain.
14. Defendant Nauser did not readmit Plaintiff to the hospital nor did she recommend Plaintiff seek emergency care.
15. On October 1, 2012, Plaintiff's pain became so severe that she was admitted to Menorah Medical Center Emergency Department for abdominal pain and distention of her abdomen.
16. On October 1, 2012, a CT scan of Plaintiff abdomen showed an injury to her right side ureter.
17. During the September 18, 2012 surgery, though not noted on the operative report, Defendants cut Plaintiff's right side ureter causing urine to spill into her abdomen and body.
18. Plaintiff suffered massive infection and has had a prolonged and complicated course of recovery from the cut ureter.

**COUNT I: MEDICAL NEGLIGENCE OF DEFENDANT HODES**

19. Plaintiff re-alleges and incorporates Paragraphs 1 through 18 as though fully set forth herein.
20. In the course of the surgery performed on Plaintiff, Defendant Hodes was negligent, careless and deviated from the standard of approved medical care

in his evaluation, management, care and obstetrical and gynecological treatment of Plaintiff, including but not limited to:

- a. His surgical techniques during the September 18, 2012 surgery; and
- b. His postoperative management.

21. Defendant Hodes was otherwise negligent in his care and treatment of Plaintiff, and as a direct result of the negligence and malpractice of Defendant Hodes, Plaintiff has endured, and will continue to endure into the future, extreme pain, suffering, disability, loss of enjoyment of life, loss of earnings, and mental anguish, all as a direct result of the negligence of Defendant Hodes as hereinabove alleged.
22. As a further result of the carelessness, negligence and malpractice of Defendant Hodes, Plaintiff has sustained damages for medical expenses, hospital expenses, other health-related expenses, economic losses, loss of earnings, and other injuries and damages, all to her detriment, in an amount in excess of seventy-five thousand dollars (\$75,000.00).

WHEREFORE, Plaintiff prays for judgment against Defendant Hodes on Count I of her Petition for Damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with her costs incurred herein, for prejudgment interest, and for any other such relief as the Court deems just and proper.

**COUNT II: MEDICAL NEGLIGENCE OF DEFENDANT NAUSER**

23. Plaintiff re-alleges and incorporates Paragraphs 1 through 22 as though fully set forth herein.

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24. In the course of the surgery performed on Plaintiff, Defendant Nauser was negligent, careless and deviated from the standard of approved medical care in his evaluation, management, care and obstetrical and gynecological treatment of Plaintiff, including but not limited to:
- a. Her surgical techniques during the September 18, 2012 surgery; and
  - b. Her postoperative management.
25. Defendant Nauser was otherwise negligent in her care and treatment of Plaintiff, and as a direct result of the negligence and malpractice of Defendant Nauser, Plaintiff has endured, and will continue to endure into the future, extreme pain, suffering, disability, loss of enjoyment of life, loss of earnings, and mental anguish, all as a direct result of the negligence of Defendant Nauser as hereinabove alleged.
26. As a further result of the carelessness, negligence and malpractice of Defendant Nauser, Plaintiff has sustained damages for medical expenses, hospital expenses, other health-related expenses, economic losses, loss of earnings, and other injuries and damages, all to her detriment, in an amount in excess of seventy-five thousand dollars (\$75,000.00).

WHEREFORE, Plaintiff prays for judgment against Defendant Nauser on Count II of her Petition for Damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with her costs incurred herein, for prejudgment interest, and for any other such relief as the Court deems just and proper.

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**COUNT III: NEGLIGENCE OF DEFENDANT**  
**CENTER FOR WOMEN'S HEALTH**

27. Plaintiff re-alleges and incorporates Paragraphs 1 through 26 as though fully set forth herein.
28. Following the surgery performed on Plaintiff, Defendant CWH was negligent and careless in its post-operative treatment of Plaintiff in its, management, care and treatment of Plaintiff.
29. Defendant CWH was otherwise negligent in its care and treatment of Plaintiff, and as a direct result of the negligence of Defendant CWH, Plaintiff has endured, and will continue to endure into the future, extreme pain, suffering, disability, loss of enjoyment of life, loss of earnings, and mental anguish, all as a direct result of the negligence of Defendant CWH as hereinabove alleged.
30. As a further result of the carelessness, negligence of Defendant CWH, Plaintiff has sustained damages for medical expenses, hospital expenses, other health-related expenses, economic losses, loss of earnings, and other injuries and damages, all to her detriment, in an amount in excess of seventy-five thousand dollars (\$75,000.00).

WHEREFORE, Plaintiff prays for judgment against Defendant CWH on Count III of her Petition for Damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with her costs incurred herein, for prejudgment interest, and for any other such relief as the Court deems just and proper.

Respectfully submitted,



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Maureen M. Brady   KS #22460  
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***ATTORNEYS FOR PLAINTIFF***

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