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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ANIKA DURR,

Plaintiff,

Case No.: 2015- -NH

-vs-

HON.

15-003597-NH

HARPER-HUTZEL HOSPITAL, an assumed name of VHS HARPER-HUTZEL HOSPITAL, INC.; VHS HARPER-HUTZEL HOSPITAL, INC., a Delaware corporation; HUTZEL WOMEN'S HEALTH SPECIALISTS, an assumed name of METRO WOMEN'S HEALTH II, P.L.C.; METRO WOMEN'S HEALTH II, P.L.C., a limited liability company; RADWAN ASAAD, M.D.; NAWAR ABDUL LATIF, M.D.; ZAIN AL-SAFI, M.D.; BRENDA PEREDA, M.D. and SAMARA WEBB, M.D., Jointly and Severally,

FILED IN MY OFFICE
WAYNE COUNTY CLERK
3/20/2015 4:27:40 PM
CATHY M. GARRETT

Defendants.

CHARLES R. ASH, III (P37971)
Attorney for Plaintiff
Sommers Schwartz, P.C.
One Towne Square, 17th Floor
Southfield, MI 48076
(248) 746-4035 phone
(248) 936-2115 fax

There is no other civil action pending or was previously filed and dismissed, transferred, or otherwise disposed of arising out of the transaction or occurrence alleged in the complaint.

COMPLAINT AND DEMAND FOR TRIAL BY JURY

NOW COMES the Plaintiff, **ANIKA DURR**, Individually, by and through her attorneys, **SOMMERS SCHWARTZ, P.C.**, and complaining against the above-named Defendants, states:

1. That at all times pertinent hereto, Plaintiff was and still is a resident of the City of Southfield, County of Oakland, State of Michigan.

2. That the amount in controversy in this cause exceeds Twenty-five Thousand (\$25,000.00) Dollars, exclusive of interest and costs, and this cause is otherwise within the jurisdiction of this Court.

3. That at all times pertinent hereto, Defendant, RADWAN ASAAD, M.D., was engaged in the practice of his profession in the City of Detroit, County of Wayne, State of Michigan, and held himself out to the public and in particular, to Plaintiff, ANIKA DURR, as a skilled and competent medical doctor specializing in the field of obstetrics and gynecology, and capable of properly and skillfully treating, caring for and curing individuals seeking his services.

4. That Defendant, RADWAN ASAAD, M.D., owed Plaintiff, ANIKA DURR, the duty to possess that reasonable degree of learning and skill that is ordinarily possessed by physicians specializing in obstetrics and gynecology throughout the nation and to use reasonable care and diligence in the exercise of his skill and application of his learning in the care and treatment of Plaintiff, ANIKA DURR, in accordance with the standards prevailing in similar communities throughout the nation.

5. That at all times pertinent hereto, Defendant, RADWAN ASAAD, M.D., assumed responsibility for performing Plaintiff's cesarean section and delivery of her unborn child.

6. That at all times pertinent hereto, Defendant, RADWAN ASAAD, M.D., undertook to examine, diagnose, treat, attend and care for Plaintiff, ANIKA DURR.

7. That at all times pertinent hereto, Defendant, HUTZEL WOMEN'S HEALTH SPECIALISTS, an assumed name of METRO WOMEN'S HEALTH II, P.L.C., was a limited liability company, duly organized and existing under and by virtue of the laws of the State of Michigan, and doing business in the City of Detroit, County of Wayne, State of Michigan.

8. That at all times pertinent hereto, Defendant, RADWAN ASAAD, M.D., was the apparent, ostensible, implied and/or express agent of and/or was employed by Defendant,

METRO WOMEN'S HEALTH II, P.L.C., and was acting in the course and scope of said employment and/or agency when the acts of negligence and malpractice hereinafter set forth and described, were committed, thereby imposing vicarious liability upon Defendant, METRO WOMEN'S HEALTH II, P.L.C., by reason of the doctrine of Respondeat Superior.

9. That on or about March 11, 2011, Plaintiff, ANIKA DURR, impliedly and/or expressly, hired and employed said Defendant, its agents, servants and/or employees to do that which was proper and necessary in the premises, in accordance with the prevailing standards, and said Defendant, by and through its agents, servants and/or employees, did then and there, impliedly and/or expressly, represent to use due, reasonable and proper skill in the care and treatment of Plaintiff, ANIKA DURR, in accordance with the applicable standard of care.

10. That at all times pertinent hereto, Defendant, METRO WOMEN'S HEALTH II, P.L.C., by and through its duly authorized agents, servants and/or employees, undertook to examine, diagnose, treat, attend and care for the Plaintiff, ANIKA DURR.

11. That Defendant, METRO WOMEN'S HEALTH II, P.L.C., by and through its duly authorized agents, servants and/or employees, had the duty to provide Plaintiff, ANIKA DURR, with the services of a competent, qualified and licensed staff of physicians, nurses, and other employees to properly diagnose her condition, render competent advice and assistance in the care and treatment of her case and to render the same in accordance with the applicable standard of care.

12. That at all times relevant hereto, the Defendant, HARPER-HUTZEL HOSPITAL, an assumed name of VHS HARPER-HUTZEL HOSPITAL, INC., was a Delaware corporation duly organized and existing under and by virtue of the laws of the State of Michigan and operated a hospital commonly known as Harper-Hutzel Hospital, located in the City of Detroit, County of

Wayne, State of Michigan; and that at all times relevant hereto, and for many years past, said Defendant has been engaged in the operation of said hospital, pursuant to MCLA 333.20141 and 333.21513, where persons afflicted with illness and disease are given care and treatment for a consideration.

13. That at all times pertinent hereto, Defendant, VHS HARPER-HUTZEL HOSPITAL, INC., represented and held out to the public and, in particular, to Plaintiff, ANIKA DURR, that said Hospital was equipped, qualified and prepared to receive the public and, in particular, Plaintiff, ANIKA DURR, for treatment and care and that it employed and maintained on its staff skilled and competent physicians, surgeons, obstetricians/gynecologists, residents, interns, nurses, surgical technicians, and, in general, competent help otherwise in the conduct and operation of said Hospital.

14. That at all times pertinent hereto, Defendant, RADWAN ASAAD, M.D., was the apparent, ostensible, implied and/or express agent of and/or was employed by Defendant, VHS HARPER-HUTZEL HOSPITAL, INC., and was acting within the course and scope of said employment and/or agency when the acts of negligence and malpractice, hereinafter set forth and described were committed, thereby imposing vicarious liability upon Defendant, VHS HARPER-HUTZEL HOSPITAL, INC., by reason of the doctrine of Respondeat Superior.

15. That in addition to the acts of negligence and malpractice hereinafter set forth and described, for which Defendant, VHS HARPER-HUTZEL HOSPITAL, INC., is vicariously liable, Plaintiffs assert that said Defendant was guilty of active and/or passive negligence and malpractice by reason of the acts of Defendants, RADWAN ASAAD, M.D., the residents: NAWAR ABDUL LATIF, M.D., ZAIN AL-SAFI, M.D., BRENDA PEREDA, M.D., SAMARA WEBB, M.D. and nurse: JESSICA GLENN, R.N. and MELISSA CSERNYANI, ST.

16. That Defendant, VHS HARPER-HUTZEL HOSPITAL, INC., is responsible for the operation of its hospital, the selection of the medical staff, and for the quality of care rendered in said Hospital pursuant to: MCLA 333.20141 and 333.21513.

17. That Defendant, VHS HARPER-HUTZEL HOSPITAL, INC., owed Plaintiff, ANIKA DURR, the duty to provide Plaintiff with physicians, residents, professional nursing, technical and support personnel, and the technical, diagnostic and treatment services and equipment necessary to assure the safe performance of the health care undertaken by or in their facility pursuant to MCLA 333.20141.

18. That on or about March 11, 2011, Plaintiff, ANIKA DURR, did deliver and submit herself to Defendant, VHS HARPER-HUTZEL HOSPITAL, INC., as an inpatient for the purpose of delivering her child, and did then and there, impliedly and/or expressly, hire and employ Defendant, RADWAN ASAAD, M.D., to do that which was proper and necessary in the premises, in accordance with the prevailing standards of hospitals and in accordance with the standards of physicians throughout the nation, and that said Defendants did then and there, impliedly and/or expressly, represent to use due, reasonable and proper skill in the care and treatment of Plaintiff, ANIKA DURR, in accordance with the standards then prevailing throughout the nation.

19. That at all times pertinent hereto, Defendant, VHS HARPER-HUTZEL HOSPITAL, INC., by and through its duly authorized agents, servants and/or employees, undertook to examine, diagnose, treat, attend and care for Plaintiff, ANIKA DURR.

20. That Defendant, VHS HARPER-HUTZEL HOSPITAL, INC., by and through its duly authorized agents, servants and/or employees, had the duty to provide Plaintiff, ANIKA DURR, with the services of a competent, qualified and licensed staff of physicians, surgeons, obstetricians/gynecologists, residents, interns, nurses and other employees, specifically:

NAWAR ABDUL LATIF, M.D., ZAIN AL-SAFI, M.D., BRENDA PEREDA, M.D., SAMARA WEBB, M.D., JESSICA GLENN, R.N. and MELISSA CSERNYANI, ST., to properly diagnose her condition, to render competent advice and assistance in the care and treatment of her case, and to render the same in accordance with the applicable standard of care.

21. That the above referred to individuals were, at all times hereinbefore and hereinafter mentioned, directly employed by Defendant Hospital and/or were acting as the apparent, ostensible or implied agents of said Hospital.

22. That the above referred to individuals were, at all times hereinbefore and hereinafter mentioned, directly employed by Defendants, HARPER-HUTZEL HOSPITAL, an assumed name of VHS HARPER-HUTZEL HOSPITAL, INC. and HUTZEL WOMEN'S HEALTH SPECIALISTS, an assumed name of METRO WOMEN'S HEALTH II, P.L.C., by and through their duly authorized agents, servants and/or employees; and Defendants, RADWAN, M.D., NAWAR ABDUL LATIF, M.D., ZAIN AL-SAFI, M.D., BRENDA PEREDA, M.D., SAMARA WEBB, M.D., JESSICA GLENN, R.N. and MELISSA CSERNYANI, ST, and each of them, in disregard of their duties and obligations to Plaintiff, ANIKA DURR, and at variance with the prevailing standards, were guilty of negligence and malpractice in the following particulars:

- a. Failing and neglecting to provide and furnish Plaintiff, ANIKA DURR, with the proper and necessary medical care and treatment for which she sought;
- b. To ensure that sponges placed in the abdominal cavity are removed by the end of the procedure and before closure;
 - a. For nursing to accurately document the sponge count before the procedure begins, before closure of the patient's cavity, before wound closure begins, at skin closure/end of the procedure, or when there is a change in operative nursing staff;
 - b. For nursing to ensure an accurate and proper audible count was performed by two individuals as the surgical sponges are opened and utilized during surgery;

- c. For nursing to accurately count all prepackaged sterilized sponges for accuracy before the sponges are utilized and brought into the surgical field;
- d. For nursing to separate the sponges during the initial sponge count to ensure that sponges have not been added or deleted from the sterilized package from the start of the procedure;
- e. For nursing to document all sponges that are added to the operative field during the procedure to ensure the sponge count is updated, documented and correct at all times;
- f. For nursing to accurately monitor and track the surgical sponges used during the procedure, in order to ensure they are removed by the end of the procedure;
- g. For nursing to communicate with the surgical team including the residents, nurses, and surgical technicians regarding the use of sponges and track them;
- h. For nursing to accurately count and track the surgical sponges as they are removed from the surgical field in order to prevent any sponges from being lost or left in the surgical field;
- i. For nursing to follow the policies, procedures, and guidelines set by the hospital regarding surgical sponge counts and incorrect sponge counts;
- j. For nursing to timely advise the surgeons and/or surgical team of a correct sponge count or an incorrect sponge count;
- k. For all to ensure the safety of the patient;
- l. For all to avoid leaving any surgical sponges in a patient following surgery;
- m. For all to do no harm to the patient; and
- n. Any and all other acts of negligence or malpractice uncovered during discovery.

23. That the acts and/or omissions constituting negligence and/or malpractice of the Defendants, and each of them, as hereinbefore alleged, directly and proximately caused and/or contributed to Plaintiff's severe and grievous injuries, including, but not limited to: ANIKA DURR was discharged from Harper-Hutzel Hospital on March 15, 2011, following her primary low transverse c-section, unaware that a surgical sponge count was incorrect and that

a sponge remained in her abdomen. Plaintiff, ANIKA DURR, underwent surgery to remove a foreign body that was found to be a retained gauze covered in a purulent substance, which caused several complications including adhesions, injury to her bowel requiring surgical intervention.

24. That the acts and/or omissions constituting negligence and/or malpractice of the Defendants, and each of them, as hereinbefore alleged, directly and proximately caused and/or contributed to the deprivation of Plaintiff's normal enjoyments of life as well as and including but not limited to: need for surgery, pain, suffering, humiliation, embarrassment, disability, disfigurement, loss of wages, diminution of earning capacity, mental and emotional anguish and anxiety and all of the risks of future medical complications including scarring, adhesions, and future bowel problems. All of these conditions are consequences of Defendants' negligence and malpractice, and are permanent and will continue indefinitely in the future.

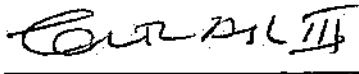
25. That the acts and/or omissions constituting negligence and/or malpractice of Defendants, and each of them, as hereinbefore alleged, directly and proximately caused and/or contributed to Plaintiff's expenses including, but not limited to, expenditures for extensive medical, psychiatric and psychological care and treatment, hospitalization, training, therapy, physicians, therapists, nurses, hospitals, appliances, medicinal substances and other items. All of these expenditures became necessary totally or partially as a consequence of Defendants' negligence and malpractice and Plaintiff's condition which requires these expenditures is permanent in nature and will continue indefinitely into the future thus requiring Plaintiff to expend similar sums and incur similar obligations.

WHEREFORE, Plaintiff, ANIKA DURR, claims judgment against the Defendants, HARPER-HUTZEL HOSPITAL, an assumed name of VHS HARPER-HUTZEL HOSPITAL, INC.; VHS HARPER-HUTZEL, INC., a Delaware corporation; HUTZEL WOMEN'S HEALTH SPECIALISTS, an assumed name of METRO WOMEN'S HEALTH, II, P.L.C.; METRO WOMEN'S HEALTH II, P.L.C., a limited liability company, RADWAN ASAAD, M.D.; NAWAR ABDUL LATIF, M.D.; ZAIN AL-SAFI, M.D.; BRENDA PEREDA, M.D., and SAMARA WEBB, M.D., Jointly and Severally, for whatever amount said Plaintiff is found to be entitled, as determined by the trier of fact, together with interest, costs and attorney fees.

DEMAND FOR TRIAL BY JURY IS HEREBY MADE.

Respectfully submitted,

SOMMERS SCHWARTZ, P.C.

By: 

CHARLES R. ASH, III (P37971)
Attorney for Plaintiff
One Towne Square, 17th Floor
Southfield, MI 48076
(248) 355-0300

Dated: March 20, 2015

AFFIDAVIT OF MERIT OF TONI H. GOLEN, M.D.

RE: Anika Durr

STATE OF MASSACHUSETTS)
) SS
COUNTY OF _____)

TONI H. GOLEN, M.D., being first duly sworn, deposes and says:

1. I am a medical physician specializing and board certified in Obstetrics and Gynecology and licensed to practice medicine in the State of Massachusetts.

2. That during the year of the occurrence which is the basis for the claim and for at least one year prior, I devoted more than 50% of my professional time to the clinical practice of Obstetrics and Gynecology.

3. I have reviewed Plaintiff's Notice of Intent to File A Claim and all medical records supplied to me by Plaintiff's attorneys concerning the allegations contained in said Notice.

4. The applicable standard of practice or care in this matter required that Radwaan Asaad, M.D., Nawar Abdul Latif, M.D., Zain Al-Safri, M.D., Brenda Pereda, M.D., Samara Webb, M.D., and their employers Harper Hutzel Hospital and Hutzel Women's Health Specialists provide the following care and treatment to Anika Durr at Harper Hutzel Hospital:

a. To ensure that sponges placed in the abdominal cavity are removed by the end of the procedure and before closure.

5. In my opinion the applicable standard of practice or care in this matter was breached by the health professionals and health facilities receiving the Notice supplied to me.

6. The actions that should have been taken by the health professionals and health facilities in order to have complied with the applicable standards of care as follows:

a. To ensure that sponges placed in the abdominal cavity were removed by the end of the procedure and before closure.

7. As a result of the breaches of the standards of practice and care, according to the medical records, Anika Durr was discharged from Harper-Hutzel Hospital on March 15,

2011, following her primary low transverse c-section, unaware that a surgical sponge count was incorrect and that a sponge remained in her abdomen.

8. On May 1, 2014, Anika Durr underwent surgery to remove a foreign body that was found to be a retained gauze covered in a purulent substance, which unfortunately caused several complications including an injury to her bowel.

9. The opinions expressed in this Affidavit are based upon the documents and materials referred to in paragraph 2 above and are subject to modification based upon additional information which might be provided at some future date.

10. I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief.

Toni H. Golen MD
TONI H. GOLEN, M.D.

STATE OF MASSACHUSETTS

COUNTY OF Worcester

Sworn to (or affirmed) and subscribed before me this 7th day of March 2015, by

Audra Smyrski
Notary Public's Full Signature as it appears on Notary Certificate

Audra Smyrski
Notary Public Name (Type or Print)

Date of Notary Expiration: 9-3-2021

Personally known _____
OR Produced Identification X

Type of Identification Produced Mass. Driver's License



AFFIDAVIT OF MERIT OF JENNIFER THOMPSON, R.N.

RE: Anika Durr

STATE OF VIRGINIA)
) SS
COUNTY OF _____)

JENNIFER THOMPSON, R.N., being first duly sworn, deposes and says:

1. I am a registered nurse that is licensed to practice in the State of Virginia.
2. That during the year of the occurrence which is the basis for the claim and for at least one year prior, I devoted more than 50% of my professional time to the clinical practice of nursing.
3. I have reviewed Plaintiff's Notice of Intent to File A Claim and all medical records supplied to me by Plaintiff'S attorneys concerning the allegations contained in said Notice.
4. The applicable standard of practice or care in this matter required that the nurses caring for Anika Durr at Harper Hutzal Hospital:
 - a. To accurately document the sponge count before the procedure begins, before closure of the patient's cavity, before wound closure begins, at skin closure/end of the procedure, or when there is a change in operative nursing staff;
 - b. To ensure an accurate and proper audible count was performed by two individuals as the surgical sponges are opened and utilized during surgery;
 - c. To accurately count all prepackaged sterilized sponges for accuracy before the sponges are utilized and brought into the surgical field;
 - d. To separate the sponges during the initial sponge count to ensure that sponges have not been added or deleted from the sterilized package from the start of the procedure;
 - e. To document all sponges that are added to the operative field during the procedure to ensure the sponge count is updated, documented and correct at all times;

- f. To accurately monitor and track the surgical sponges used during the procedure, in order to ensure they are removed by the end of the procedure;
- g. To communicate with the surgical team including the residents, nurses, and surgical technicians regarding the use of sponges and track them;
- h. To accurately count and track the surgical sponges as they are removed from the surgical field in order to prevent any sponges from being lost or left in the surgical field;
- i. To follow the policies, procedures, and guidelines set by the hospital regarding surgical sponge counts and incorrect sponge counts;
- j. To timely advise the surgeons and/or surgical team of a correct sponge count or an incorrect sponge count;
- k. To ensure the safety of the patient;
- l. To avoid leaving any surgical sponges in a patient following surgery; and
- m. To do no harm to the patient.

5. In my opinion the applicable standard of practice or care in this matter was breached by the health professionals and health facilities receiving the Notice supplied to me.

6. The actions that should have been taken by the health professionals and health facilities in order to have complied with the applicable standards of care as follows:

- a. To accurately document the sponge count before the procedure begins, before closure of the patient's cavity, before wound closure begins, at skin closure/end of the procedure, or when there is a change in operative nursing staff;
- b. To ensure an accurate and proper audible count was performed by two individuals as the surgical sponges are opened and utilized during surgery;
- c. To accurately count all prepackaged sterilized sponges for accuracy before the sponges are utilized and brought into the surgical field;
- d. To separate the sponges during the initial sponge count to ensure that sponges have not been added or deleted from the sterilized package from the start of the procedure;

- e. To document all sponges that are added to the operative field during the procedure to ensure the sponge count is updated, documented and correct at all times;
- f. To accurately monitor and track the surgical sponges used during the procedure, in order to ensure they are removed by the end of the procedure;
- g. To communicate with the surgical team including the residents, nurses, and surgical technicians regarding the use of sponges and track them;
- h. To accurately count and track the surgical sponges as they are removed from the surgical field in order to prevent any sponges from being lost or left in the surgical field;
- i. To follow the policies, procedures, and guidelines set by the hospital regarding surgical sponge counts and incorrect sponge counts;
- j. To timely advise the surgeons and/or surgical team of a correct sponge count or an incorrect sponge count;
- k. To ensure the safety of the patient;
- l. To avoid leaving any surgical sponges in a patient following surgery; and
- m. To do no harm to the patient.

7. As a result of the breaches of the standards of practice and care, according to the medical records, Anika Durr was discharged from Harper-Hutzel Hospital on March 15, 2011, following her primary low transverse c-section, unaware that a surgical sponge count was incorrect and that a sponge remained in her abdomen. On May 1, 2014, Anika Durr underwent surgery to remove a foreign body that was found to be a retained gauze covered in a purulent substance.

8. The opinions expressed in this Affidavit are based upon the documents and materials referred to in paragraph 2 above and are subject to modification based upon additional information which might be provided at some future date.

9. I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief.


JENNIFER THOMPSON, R.N.

STATE OF VIRGINIA

COUNTY OF Henrico

Sworn to (or affirmed) and subscribed before me this 2nd day of March, 2015, by

Jennifer Michelle Jolie
Notary Public's Full Signature as it appears on Notary Certificate

Jennifer Michelle Jolie
Notary Public Name (Type or Print)

Date of Notary Expiration: July 31, 2017

Personally known yo
OR Produced Identification _____

Type of Identification Produced _____

(SEAL)



LAW OFFICES
SOMMERS SCHWARTZ, P.C.
ONE TOWNE SQUARE • 17TH FLOOR • SOUTHFIELD, MICHIGAN 48076 • (248) 355-0300

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ANIKA DURR,

Plaintiff,

Case No.: 15-003597-NH
HON. JOHN A. MURPHY

-vs-

HARPER-HUTZEL HOSPITAL, an assumed name of VHS HARPER-HUTZEL HOSPITAL, INC.; VHS HARPER-HUTZEL HOSPITAL, INC., a Delaware corporation; HUTZEL WOMEN'S HEALTH SPECIALISTS, an assumed name of METRO WOMEN'S HEALTH II, PLC; METRO WOMEN'S HEALTH II, PLC, a limited liability company; RADWAN ASAAD, M.D.; NAWAR ABDUL LATIF, M.D.; and BRENDA PEREDA, M.D., jointly and severally,

Defendants.

15-003597-NH

FILED IN MY OFFICE
WAYNE COUNTY CLERK
8/9/2016 9:11:03 AM
CATHY M. GARRETT

/s/ Katrina Ross

CHARLES R. ASH, III (P37971)
Attorney for Plaintiff
One Towne Square/17th Floor
Southfield, MI 48076
(248) 746-4035
(248) 936-2115 fax

CULLEN B. McKINNEY (P49757)
Attorney for Defendants
333 West Fort Street/Suite 1800
Detroit, MI 48226
(313) 964-4500
(313) 964-9382 fax

STIPULATION OF DISMISSAL AS TO DEFENDANTS, HARPER-HUTZEL HOSPITAL, an assumed name of VHS HARPER-HUTZEL HOSPITAL, INC.; VHS HARPER-HUTZEL HOSPITAL, INC., a Delaware corporation; HUTZEL WOMEN'S HEALTH SPECIALISTS, an assumed name of METRO WOMEN'S HEALTH II, PLC; AND METRO WOMEN'S HEALTH II, PLC, AND DISMISSING THE ENTIRE ACTION, WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the respective parties hereto, that this matter has been resolved as to stated parties, only;

IT IS FURTHER STIPULATED AND AGREED, by and between counsel for the respective parties hereto, that this settlement between these parties only, is full and final;

IT IS FURTHER STIPULATED AND AGREED, by and between counsel for the respective parties hereto, that **ANIKA DURR** is hereby authorized to execute a Release and Settlement Agreement, in favor of Defendants, **HARPER-HUTZEL HOSPITAL**, an assumed name of **VHS HARPER-HUTZEL HOSPITAL, INC.**; **VHS HARPER-HUTZEL HOSPITAL, INC.**, a Delaware corporation; **HUTZEL WOMEN'S HEALTH SPECIALISTS**, an assumed name of **METRO WOMEN'S HEALTH II, PLC**; and **METRO WOMEN'S HEALTH II, PLC**, their agents, servants, and employees, past and present, and other specified as Released Parties herein;

IT IS FURTHER STIPULATED AND AGREED that Defendants, **HARPER-HUTZEL HOSPITAL**, an assumed name of **VHS HARPER-HUTZEL HOSPITAL, INC.**; **VHS HARPER-HUTZEL HOSPITAL, INC.**, a Delaware corporation; **HUTZEL WOMEN'S HEALTH SPECIALISTS**, an assumed name of **METRO WOMEN'S HEALTH II, PLC**; and **METRO WOMEN'S HEALTH II, PLC**, shall be and are hereby dismissed as defendants herein, with prejudice, and that no costs or interest or fees shall be taxed for or against any party to this action;

IT IS FURTHER STIPULATED AND AGREED that there shall be no disclosure of the terms of this settlement to any person other than the parties, **ANIKA DURR**, their heirs, their next of kin, her attorneys, and appropriate court officials.

BY: /s/ CHARLES R. ASH III (w/consent)
CHARLES R. ASH, III (P37971)
Attorney for Plaintiff
One Towne Square/17th Floor
Southfield, MI 48076
(248) 746-4035

BY: /s/ CARLOS A. ESCUREL
CULLEN B. MCKINNEY (P49757)
CARLOS A. ESCUREL (P60036)
Attorneys for Defendants
333 West Fort Street/Suite 1800
Detroit, MI 48226
(313) 964-4500

Dated: August 2, 2016

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ANIKA DURR,

Plaintiff,

Case No.: 15-003597-NH
HON. JOHN A. MURPHY

-vs-

HARPER-HUTZEL HOSPITAL, an assumed name of VHS HARPER-HUTZEL HOSPITAL, INC.; VHS HARPER-HUTZEL HOSPITAL, INC., a Delaware corporation; HUTZEL WOMEN'S HEALTH SPECIALISTS, an assumed name of METRO WOMEN'S HEALTH II, PLC; METRO WOMEN'S HEALTH II, PLC, a limited liability company; RADWAN ASAAD, M.D.; NAWAR ABDUL LATIF, M.D.; and BRENDA PEREDA, M.D., jointly and severally,

Defendants.

CHARLES R. ASH, III (P37971)
Attorney for Plaintiff
One Towne Square/17th Floor
Southfield, MI 48076
(248) 746-4035
(248) 936-2115 fax

CULLEN B. MCKINNEY (P49757)
Attorney for Defendants
333 West Fort Street/Suite 1800
Detroit, MI 48226
(313) 964-4500
(313) 964-9382 fax

ORDER OF DISMISSAL AS TO DEFENDANTS, HARPER-HUTZEL HOSPITAL, an assumed name of VHS HARPER-HUTZEL HOSPITAL, INC.; VHS HARPER-HUTZEL HOSPITAL, INC., a Delaware corporation; HUTZEL WOMEN'S HEALTH SPECIALISTS, an assumed name of METRO WOMEN'S HEALTH II, PLC; AND METRO WOMEN'S HEALTH II, PLC, ONLY, AND DISMISSING THE ENTIRE ACTION, WITH PREJUDICE

At a session of said Court, held in
the City of Detroit, County of Wayne,
State of Michigan on 8/9/2016

PRESENT: HONORABLE JOHN A. MURPHY
CIRCUIT COURT JUDGE

Upon the reading and filing of the attached Stipulation hereto, and the Court therefore being fully advised in the premises;

IT IS HEREBY ORDERED that this settlement between the stated parties is full and final;

IT IS FURTHER ORDERED that **ANIKA DURR**, is hereby authorized to execute a Release and Settlement Agreement, in favor of Defendants, **HARPER-HUTZEL HOSPITAL**, an assumed name of **VHS HARPER-HUTZEL HOSPITAL, INC.**; **VHS HARPER-HUTZEL HOSPITAL, INC.**, a Delaware corporation; **HUTZEL WOMEN'S HEALTH SPECIALISTS**, an assumed name of **METRO WOMEN'S HEALTH II, PLC**; and **METRO WOMEN'S HEALTH II, PLC**, their agents, servants, and employees, past and present, and other specified as Released Parties herein;

IT IS FURTHER ORDERED that Defendants, **HARPER-HUTZEL HOSPITAL**, an assumed name of **VHS HARPER-HUTZEL HOSPITAL, INC.**; **VHS HARPER-HUTZEL HOSPITAL, INC.**, a Delaware corporation; **HUTZEL WOMEN'S HEALTH SPECIALISTS**, an assumed name of **METRO WOMEN'S HEALTH II, PLC**; and **METRO WOMEN'S HEALTH II, PLC**, shall be and are hereby dismissed as Defendants herein, with prejudice, and that no costs or interest or fees shall be taxed for or against any party to this action;

IT IS FURTHER ORDERED that there shall be no disclosure of the terms of this settlement to any person other than the parties, **ANIKA DURR**, their heirs, their next of kin, her attorneys, and appropriate court officials.

IT IS SO ORDERED.

THIS ORDER RESOLVES THE LAST PENDING CLAIM AND CLOSES THE CASE.

/S/ JOHN A. MURPHY
CIRCUIT COURT JUDGE

\\MAIN-SERVER\Firm Documents\McKinney-Team\DURR\PLDGSIS&O DISM HOSPS& ENTIRE CASE.wpd