

FILED

JUL 5 1 11 PM '00

JAMES L. CLEGG  
CLERK OF COURTS  
HAMILTON CO. OHIO

*m*

IN THE COURT OF COMMON PLEAS, HAMILTON COUNTY, OHIO  
CIVIL DIVISION

Jessica Raelynn Lewis, A Minor,  
By and through Her Mother  
and Next Friend,  
Keisha Lewis  
Post Office Box 34  
Winchester, OH 45697

and

Keisha Lewis  
Post Office Box 34  
Winchester, OH 45697

and

Kenny Lewis  
Post Office Box 34  
Winchester, OH 45697

A0004070

Plaintiffs,

vs.

Case No.

David B. Schwartz, M.D.  
10506 Montgomery Road  
Cincinnati, OH 45242

Judge:

and

Gynecologic & Obstetric Consultants  
Of Greater Cincinnati  
10506 Montgomery Road  
Cincinnati, OH 45242

and

ORIG. COMP. PARTIES; SUMMONS			
( ) CERT MAIL	( ) SHERIFF	( ) WAVE	
( ) PROCESS SERVER	( ) NONE		
CLERKS FEES			TIC
SECURITY FOR COST	450		
DEPOSITED BY	9388		
FILING CODE	A305		

~~Bethesda North Hospital  
10500 Montgomery Road  
Cincinnati, OH 45250~~

Defendants.

**COMPLAINT**  
**(Jury Demand Endorsed Hereon)**  
**--Discovery Served Simultaneously--**

**FIRST CLAIM/MEDICAL MALPRACTICE**

1. At all times relevant herein, Plaintiffs Keisha Lewis and Kenny Lewis resided in the city of Winchester, Adams County, Ohio and were and are the parents of Jessica Raelynn Lewis, born October 30, 1998.

2. At all times relevant herein, Defendant David B. Schwartz, M.D., was a resident of Hamilton County, Ohio; was duly licensed to practice medicine by the State of Ohio, specializing in obstetrics and gynecology, was an employee, stockholder or agent of Defendant Gynecologic & Obstetric Consultants Of Greater Cincinnati, and practiced obstetrics and gynecology at 10506 Montgomery Road, Cincinnati, Ohio, 45242, where patients were received and treated for consideration.

3. At all times relevant herein, Defendant Bethesda North Hospital was an Ohio Corporation, which employed obstetrical nurses and other medical personnel, and maintained offices at 10500 Montgomery Road, Cincinnati, Ohio, 45242. The acts performed by agents and employees of this Defendant in the care and treatment of Keisha Lewis and Jessica Raelynn Lewis were in connection with their duties with said Defendant Bethesda North Hospital and they were acting in and about the discharge of those duties and within the scope of their employment.

4. On October 29, 1998 Keisha Lewis presented to Bethesda North Hospital at approximately 6:20 p.m. for induction of labor due to elevated blood pressure. Dr. Schwartz performed an artificial rupture of membranes at 9:05 p.m. and moderate meconium stained fluid was noted. Despite a non-reassuring fetal heart rate pattern, a cesarean on Plaintiff Keisha Lewis was not performed until 4:12 a.m. on October 30, 1998. Her apgar scores were 1 & 4 at 1 & 5 minutes respectively.

5. Plaintiff Keisha Lewis further states that the Defendants were professionally negligent and did fall below the standard of care of ordinarily careful and skillful professionals in the care and treatment given Plaintiffs Keisha Lewis and Jessica Raelynn Lewis under the same or similar circumstances, which was a direct and proximate cause of the irreversible, permanent and devastating brain damage from which Jessica Raelynn Lewis is suffering and from which she will suffer for the remainder of his life.

6. Plaintiffs further state that as a result of the negligence of the Defendants and the resultant injuries to Jessia Raelynn Lewis, Jessica Raelynn Lewis will be denied a normal way of life, has and will suffer pain and that she will incur a permanent impairment of her earning capacity, will suffer future pain and that her injuries are permanent and that she, as an adult, will incur future medical and medically related expenses.

#### **CLAIM OF PLAINTIFFS KEISHA LEWIS AND KENNY LEWIS**


7. Plaintiffs Keisha Lewis and Kenny Lewis state they are the parents of Jessica Raelynn Lewis and hereby incorporate the allegations contained in paragraphs one through six of this Complaint as if fully rewritten herein.

8. Plaintiffs Keisha Lewis and Kenny Lewis further state as a result of the negligence of the Defendants and Jessica Raelynn Lewis's resultant injuries, they have suffered and will suffer in the future a loss of her companionship,

consortium and have sustained medical expenses and will incur future medical and medically related expenses on behalf of Jessica Raelynn Lewis.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, in an amount greater than twenty five thousand dollars (\$25,000.00), plus interest, costs and all other relief deemed just and equitable by this Court.

Respectfully submitted,

  
\_\_\_\_\_  
Walter J. Wolske, Jr. (0009388)  
**WOLSKE & BARCLAY**  
580 South High Street, Suite 300  
Columbus, Ohio 43215  
614/221-6969 Phone  
614/228-4369 Fax

**JURY DEMAND**

Plaintiffs hereby demand a trial by a jury of eight persons as to all issues contained herein.

  
\_\_\_\_\_  
Walter J. Wolske, Jr. (0009388)  
Attorney for Plaintiffs

**IN THE COURT OF COMMON PLEAS, HAMILTON COUNTY, OHIO**

**Jessica Raelynn Lewis, A Minor,  
By and through Her Mother  
and Next Friend,  
Keisha Lewis  
Post Office Box 34  
Winchester, OH 45697**

**and**

**Keisha Lewis  
Post Office Box 34  
Winchester, OH 45697**

**and**

**Kenny Lewis  
Post Office Box 34  
Winchester, OH 45697**

**Plaintiffs,**

**vs.**

**Case No.**

**David B. Schwartz, M.D.  
10506 Montgomery Road  
Cincinnati, OH 45242**

**Judge:**

**and**

**Gynecologic & Obstetric Consultants  
Of Greater Cincinnati  
10506 Montgomery Road  
Cincinnati, OH 45242**

**and**