

HAMILTON COUNTY COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

THERESA AUTRY, individually and as Co-
administrator of the Estate of David Autry
Jr. and Bryan Autry
1883 Coachtrail Drive
Hebron, KY 41048

Case No.: A0309314

(Judge _____)

and

DAVID AUTRY, individually and as Co-
administrator of the Estates of David Autry
Jr. and Bryan Autry
1883 Coachtrail Drive
Hebron, KY 41078

COMPLAINT AND JURY
DEMAND

and

HANNA AUTRY
1883 Coachtrail Drive
Hebron, KY 41048

5	ORIG. COMP. PARTIES, SUMMONS	7
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	() PROCESS SERVER () NONE	
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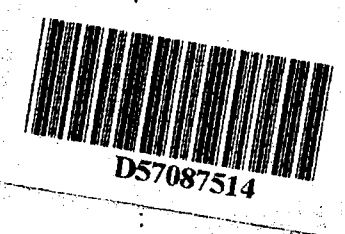
Plaintiffs

vs.

MICHAEL DRAZNIK, M.D.
2055 Reading Road
Suite 480
Cincinnati, OH 45202

and

MICHAEL R. DRAZNIK, M.D., INC.
2055 Reading Road
Suite 480
Cincinnati, OH 45202



FILED
2003 DEC -1 P 2:50
GREGORY HARTMANN
CLERK OF COURTS
HAMILTON COUNTY, OH

Please Serve also
Statutory Agent:
Michael R. Draznik
2055 Reading Road
Suite 480
Cincinnati, OH 45202

and

THE CHRIST HOSPITAL
2139 Auburn Avenue
Cincinnati, OH 45219

Please Serve Also
Statutory Agent:
CT Corporation
441 Vine Street
Cincinnati, OH 45202

Defendants.

Plaintiffs Theresa Autry and David Autry are the co-administrators of the estate of Brian Autry and David Autry, now deceased and have been duly appointed by the Boone County Probate Court in case number 03-P-0189 on May 8, 2003.

1. At all times relevant herein, Defendant Michael Draznik, M.D. was a duly licensed physician in the State of Ohio holding himself out as an expert in the field of obstetrics and gynecology.
2. At all times relevant herein, Defendant Michael Draznik, M.D., Inc. was a corporation employing among others, Defendant Michael Draznik, M.D. in the care, treatment and management of its patients and is named herein under a theory of respondeat superior and/or ostensible agency.

3. At all times relevant herein, Defendant Christ Hospital was a full-service hospital employing doctors, nurses, technicians and others in the care, treatment and management of its patients.
4. In the year 2000, David and Theresa Autry conceived their first child Hannah Autry. The pregnancy was without complication and Hannah was delivered on or about April 1, 2000, by Defendant Dr. Draznik at the Christ Hospital.
5. In 2001, the Autrys conceived their second child, but suffered a miscarriage at 11 weeks gestation in July, 2001. The Autrys were advised that the miscarriage was a "fluke" and that they would have no trouble conceiving again. No tests were prescribed or undertaken to determine the cause of the miscarriage.
6. The Autrys conceived their third pregnancy in late 2001, and again, suffered a miscarriage at approximately 12 weeks gestation. Defendant Dr. Draznik ordered the following tests which all were reported as normal or negative:
 - a. Anticardiolipin antibody;
 - b. Thyroid profiles; and
 - c. Auto-immune profiles.
7. In March, 2002, the Autrys conceived their fourth pregnancy, determined at approximately seven weeks gestation to be triplets. Between the seventh and ninth weeks of gestation, one of the triplets died. No tests were undertaken or consideration given by Dr. Draznik as to the cause of the fetal demise.
8. Toward the end of summer 2002, Plaintiff Theresa Autry began to experience a burning,

- painful sensation just below her rib cage, of which she complained to Dr. Draznik.
9. On or about October 2, 2002, Plaintiff Theresa Autry noticed a loss of fetal movement and contacted Dr. Draznik's office. Although Dr. Draznik's office did not seem to be concerned about the lack of fetal movement, Mrs. Autry also presented to Christ Hospital seeking a determination as to the cause of the decreased or non-existent fetal movement.
 10. At the Christ Hospital a fetal heart monitor was not used to locate a heart rate for either of the babies; however, an ultrasound was able to confirm heart rates of approximately 150 beats per minute for each of the boys.
 11. Dr. Draznik also saw Theresa Autry at Christ Hospital, spoke with her briefly and ordered some laboratory tests, including a complete blood count, chemistry, amalyse and lipase, which were all reported as normal, and Mrs. Autry was discharged that same day.
 12. Mrs. Autry did not feel her sons Bryan and David, Jr. kick again.
 13. On or about October 11, 2002, at a routine prenatal visit, the Autrys were advised that their sons had died. The stillborn boys were delivered on or about October 14, 2002.
 14. After the stillbirth, Mrs. Autry underwent additional laboratory testing and genetic counseling and it was determined that she was a heterozygous carrier for Factor V Leiden, a common hypercoagulation disorder which leads to stillbirths and can be treated with aspirin and heparin therapy throughout pregnancy. This information was not discovered until December 10, 2002 when the Autrys consulted with another medical doctor.
 15. Defendants herein were negligent and deviated from the standard of care in failing to test for Factor V Leiden disorder and to so diagnose it prior to Autrys' pregnancy with their

triplets, in failing to diagnose and treat Mrs. Autry's Factor V Leiden disorder, in failing to recognize fetal distress when Mrs. Autry noticed decreased fetal movement and presented to the Defendants on or about October 2, 2002, and in failing to take action to deliver the twins at that time.

16. As a direct and proximate result of the negligence of these Defendants, the Autry family has suffered damages as follows:

COUNT I
WRONGFUL DEATH

17. Paragraphs 1 through 16 are hereby incorporated by reference as if fully stated herein.
18. As a direct proximate result of these Defendants, David Autry, Jr. and Bryan Autry, viable fetuses at eight months gestation, died, being survived by their parents, David and Theresa Autry, and their Sisters, Hannah Autry, Megan Autry, and Lauren Autry, all of whom have suffered damages thereby, including but not limited to loss of support from the reasonable expected earning capacity of the decedents, loss of services of the decedents, loss of perspective inheritance to the decedents' heirs of law, as well as mental anguish and emotional suffering endured by the next of kin.

COUNT II
PERSONAL INJURIES TO THERESA AUTRY

19. Paragraphs 1 through 18 are hereby incorporated by reference as if fully stated herein.
20. As a direct and proximate result of the negligence of the Defendants, Plaintiff Theresa Autry has incurred additional medical expenses.
21. As a direct and proximate result of the negligence of the Defendants, Plaintiff Theresa

Autry has endured tremendous physical pain and emotional suffering, including but not limited to carrying her deceased sons inside her body for over two days after learning of their demise and laboring for over 26 hours to deliver her stillborn twins.


COUNT III
LOSS OF CONSORTIUM

22. Paragraphs 1 through 21 are hereby incorporated by reference as if fully stated herein.
23. At all times relevant herein Plaintiffs David Autry and Theresa Autry were legally married and living together as husband and wife. Also, at all times relevant herein, Hannah Autry was the minor child of Theresa Autry.
24. As a direct and proximate result of the negligence of the Defendants, Plaintiffs David Autry and Hannah Autry have suffered the loss of Theresa Autry's love, affection, care, companionship, guidance, and support and will continue to suffer into the future.

In addition, David Autry and Theresa Autry suffered the loss of David, Jr. and Bryan's love, affection, care, companionship, guidance and support.

WHEREFORE, Plaintiffs hereby demand judgment for that amount of money which will compensate them for their damages, which amount will be determined at trial, but which is in excess of \$25,000.00 plus attorney's fees, costs and all other just and equitable relief to which they may be entitled.

Respectfully submitted,




ERIC C. DETERS (#81812)
ERIC C. DETERS & ASSOCIATES

Attorney for Plaintiffs
300 Buttermilk Pike, Suite 322
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JURY DEMAND

Plaintiffs demand a trial by jury of the within action.



Eric C. Deters

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