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Hamilton County, Ohio
CONFIRMATION 161346**

KIMBERLY STAGGE

A 1205109

vs.

MICHAEL DRAZNIK MD

**FILING TYPE: INITIAL FILING(IN COUNTY) WITH JURY
DEMAND**

PAGES FILED: 16

EFR200

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

KIMBERLY STAGGE
6545 Lisa Lane
Cincinnati, Ohio 45243

Plaintiff

vs.

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

Defendants

Case no.

Judge

COMPLAINT WITH JURY DEMAND

The Plaintiff seeks redress for injuries suffered as a result of the Defendant's medical malpractice.

1. Plaintiff Kimberly Stagge is a citizen and resident of Hamilton County, Ohio.
2. Defendant Michael R. Draznik, M.D. is a physician licensed to practice medicine in Ohio. He offers obstetric and gynecological health and surgery services to the public from his office and at hospitals in Hamilton County, Ohio.
3. The actions giving rise to this Complaint occurred in Hamilton County, Ohio. This matter was originally filed as case number A 1105716, which was voluntarily dismissed on October 24, 2011 under Civ.R. 41. The Affidavit of Merit is attached as an exhibit.
4. Ms. Stagge made an appointment and saw Dr. Draznik at his office in November 2009. At that time, she complained of heavy and painful menstrual periods over the preceding 6 to 12 months.

5. After examination and tests, Dr. Draznik diagnosed Ms. Stagge with menorrhagia and chronic dysmenorrhea.

6. Later, however, in December 2009, an ultrasound of Ms. Stagge's pelvis revealed multiple fibroids in her uterus.

7. On December 8, 2009, Ms. Stagge returned to Dr. Draznik, who recommended a robotic laparoscopic hysterectomy to remedy the fibroids discovered in the ultrasound.

8. Dr. Draznik performed the hysterectomy in Cincinnati on about January 28, 2010.

9. When the surgery began, Ms. Stagge was an otherwise healthy adult female, without other complaints of malfunction or dysfunction in her pelvic region.

10. However, following the surgery, Ms. Stagge began to experience new symptoms different from those that caused the hysterectomy.

11. Among other things, following the hysterectomy, Ms. Stagge experienced cramping with right-sided pressure, nausea, vomiting, increased pain in her lower right quadrant and constipation.

12. Nonetheless, upon examination, Dr. Draznik declared Ms. Stagge to be normal with tenderness in her abdomen, diagnosed mild vaginal cuff cellulitis, and prescribed Keflex and Percocet.

13. The treatment failed to relieve Ms. Stagge's symptoms.

14. Ms. Stagge returned to Dr. Draznik on February 3, 2010 complaining of continued and worsening pain and bloating.

15. Dr. Draznik referred Ms. Stagge for a CT scan, pain medication and IV

fluids.

16. Ms. Stagge was admitted to The Christ Hospital, where she was diagnosed with a right uretal injury.

17. Ms. Stagge underwent additional surgery to place a uretal stent in the injured area.

18. Ms. Stagge continued to suffer pain in the right flank, and painful and frequent urination, including a night.

19. Later, on March 19, 2010, a cystoscopy revealed a narrowing of the right distal ureter with damage. Another stent was placed in the damaged area.

20. The second stent also failed to resolve Ms. Stagge's symptoms.

21. Accordingly, Ms. Stagge's abdomen was reopened, disclosing a transected right distal ureter.

22. The ureter was surgically repaired, though Ms. Stagge suffered a series of further surgeries and complications through at least May 2010.

23. None of Ms. Stagge's uretal injuries existed before the surgery by Dr. Draznik, and none of the injuries could have been caused by Ms. Stagge.

24. As a result, Ms. Stagge suffered medical injuries, repeated and unnecessary surgeries, complications, lost wages and pain and suffering all represented by an amount exceeding the Court's jurisdictional threshold.

MEDICAL NEGLIGENCE

25. Dr. Draznik owed his patient, Ms. Stagge, a duty to treat her with the degree of skill, care and diligence an ordinarily prudent health care provider, and particularly and ordinarily prudent gynecologist, would have exercised under like or

similar circumstances.

26. Dr. Draznik breached his duty by failing to treat Ms. Stagge with the degree of skill, care and diligence an ordinarily prudent health care provider, and particularly and ordinarily prudent gynecologist, would have exercised under like or similar circumstances through, among other things, negligently damaging Ms. Stagge's ureter during surgery and failing to promptly diagnose and remedy the injury.

27. As a direct and proximate result of Dr. Draznik's negligence, Ms. Stagge suffered prolonged and severe pain, additional and unnecessary surgery, emotional distress, discomfort, loss of enjoyment of life, and loss of her ability to perform usual and customary activities, incurred additional and unnecessary medical bills, and lost wages, all represented by an amount exceeding the Court's jurisdictional threshold.

WHEREFORE, Plaintiff Kimberley Stagge demands judgment against Dr. Michael R. Draznik for:

- (A) Damages in an amount to be proven at trial;
- (B) Punitive damages for intentional tort;
- (C) The costs of this action, including attorney fees; and
- (D) Any other relief the Court deems just or equitable.

Respectfully submitted,

/s/ Charles T. Lester, Jr.

Charles T. Lester, Jr. (0017601)
5247 Madison Pike
Independence, Kentucky 41051
(859) 282-8985
(859) 486-6590 (fax)
clester@ericdeters.com

JURY DEMAND

The Plaintiff demands a trial by jury on all claims so triable.

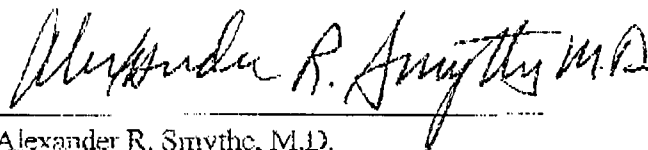
/s/ Charles T. Lester, Jr.

Affidavit of Merit

I, Alexander R. Smythe, M.D., after being duly sworn and cautioned state as follows:

1. I have reviewed all relevant medical records reasonably available about Kim Stagge concerning the allegations of medical negligence.
2. I am familiar with the applicable standard of care.
3. Based upon my review of this record, my education, my training, and experience, it is my belief, to a reasonable degree of medical probability that the care provided by the Defendant Michael Draznik, M.D. was negligent and this negligence caused injury to Kim Stagge.
4. I devote at least one-half of my professional time to the active clinical practice in my field of licensure, or to its instruction in an accredited school.

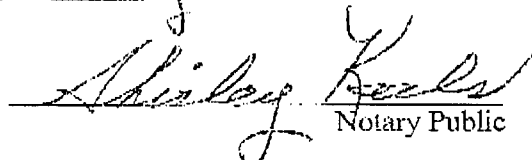
5. My curriculum vitae is attached.
FURTHER AFFIANT SATH NAUGHT.



Alexander R. Smythe, M.D.

STATE OF South Carolina
COUNTY OF Richland

SUBSCRIBER, SWORN TO AND ACKNOWLEDGED, before me, a Notary Public, by Alexander R. Smythe, M.D. on the 16 day of May, 2012.



Notary Public

My Comm. Exp. 10-16, 2019

CURRICULUM VITAE (Updated 6/23/10)

NAME: Alexander Rhea Smythe, II, M.D.

ADDRESS: 1301 Taylor Street, Suite 6J
Columbia, SC 29201

TELEPHONE: 803-251-8431 V-mail
803-309-3341 CELL
803-988-1445 FAX

UNDERGRADUATE EDUCATION: University of South Carolina
1963-1965

MEDICAL EDUCATION: Medical University of South Carolina
School of Pharmacy
1965-1968 B.S. Pharmacy

Medical University of South Carolina
School of Medicine
1972 M.D. Degree

INTERNSHIP: Straight Medicine Internship
University of Alabama Hospital and Clinics
Birmingham, Alabama
1972-1973

RESIDENCY: Medical University of South Carolina
Department of Obstetrics and Gynecology
1973-1977

FELLOWSHIP: Maternal-Fetal Medicine
Madigan Army Medical Center
Fort Lewis, Tacoma, Washington
1978-1980

MILITARY: Lt. Colonel, USAR
Medical Corps, 1977-1982

Director Perinatology
Madigan Army Medical Center
Tacoma, Washington
1980-1982

Staff OB/GYN
Department of Obstetrics and Gynecology
Fort Stewart Army Hospital
Savannah, GA
1977-1978

SPECIALTY CERTIFICATION: Diplomate, National Board of Medical
Examiners, 1973

Diplomate, American Board of
Obstetricians and Gynecologists
February 1980

Diplomate, American Board of
Obstetricians and Gynecologists
Division of Maternal-Fetal Medicine
December 1983

LICENSURE: South Carolina, 1973- Present

CURRENT: Staff Physician OB-GYN and Perinatologist
Baptist Medical Center
Columbia, SC

ACADEMIC APPOINTMENT Clinical Associate Professor
Obstetrics and Gynecology
University South Carolina School of Medicine

RESEARCH Staff Physician and Pharmaceutical Investigator
S.C. Clinical Research Center

SOCIETIES AND PROFESSIONAL ORGANIZATIONS:
Alpha Omega Alpha (Honor Med Society)

Fellow, American College of
Obstetricians and Gynecologists

Columbia Medical Society

Medical Journal Club

Medical History Club

South Carolina Medical Association

South Carolina OB/GYN Society

Society of Perinatal Obstetricians

Thegos Society

AAGL- American Association GYN
Laparoscopists

HONORS: President of Student Body
University of South Carolina
Florence, South Carolina
1965

President of Student Body
Medical University of South Carolina
Charleston, South Carolina
1972

HONORS:

Recipient of Geer Drug Scholarship
1965-1968

Merck Sharp Dome Pharmaceutical
Chemistry Award
1968

Rexall Award Outstanding Senior
1968

Lange Medical Publication Award
1970

Roche Award
1970-1971

Pfizer Scholarship Award
1970-1972

Alpha Omega Alpha Junior Year
1970

Vice President, Alpha Omega Alpha
1971-1972

Dean's Award in Student Affairs
1972

Department of Medicine Award for Best
Teaching Intern
University of Alabama Hospital and
Clinics
Birmingham, Alabama
1973

Physician of the Year
Midlands of South Carolina
2004

ORDER OF SILVER CRESCENT- GOV HODGES 2000

National Wrestling Hall of Fame, Stillwater OK
Lifetime Service Award 2010

ACADEMIC
APPOINTMENTS HELD:

Director Maternal-Fetal Medicine
Madigan Army Medical Center
1980-82

Assistant Professor
Department of Obstetrics and Gynecology
University of South Carolina School of
Medicine
Richland Memorial Hospital
1982-1985

Director of Maternal-Fetal Medicine
Department of Obstetrics and Gynecology
Richland Memorial Hospital
Columbia, SC
1982-1985

Adjunct Assistant Professor
College of Pharmacy
University of South Carolina
Columbia, SC
1982-1985

Staff Obstetrics and Gynecology
Perinatologist
Baptist Medical Center
Columbia, SC
1985- Present

Clinical Associate Professor
Obstetrics and Gynecology at University
South Carolina School of Medicine
Present

COMMITTEES AND
APPOINTMENTS:

Early Discharge Program
Richland Memorial Hospital
1982-85

Richland Memorial Hospital and
Department of Health and Environmental
Control
1983-1984

Utilization Review Committee
Richland Memorial Hospital
1983-1984

Chairman
Executive Advisory Committee
March of Dimes, Midlands Chapter
1983-1984

Chairman
Perinatal Committee BMC
1988-1990

Vice Chief of Obstetrics and Gynecology
Baptist Medical Center
1988-1990

Chairman Department of Obstetrics and
Gynecology
Baptist Medical Center
1991-1993

Perinatal/ Neonatal Committee & Quality Assurance
Baptist Medical Center
1990- Present

President Medical Journal Club Columbia SC
1991-1992

Admissions Committee
Medical University of South Carolina
1993- 2000

PRESENTATIONS:

Thirteenth Annual OB/GYN Symposium
"Advanced Maternal Age in Pregnancy"
OB/GYN Department, MUSC
Charleston, South Carolina
April 1978 (Invited)

Armed Forces District ACOG
"Pregnancy Associated with Ectrophy of
the Bladder and Obstructive Renal
Failure"
Orlando, Florida
October 1979 (Contributed)

Armed Forces District ACOG
"Maternal Metabolic Alterations
Secondary to Terbutaline Therapy for
Premature Labor"
Las Vegas, Nevada
October 1980 (Invited)

"Swan-Ganz Monitoring in Patients with
Congestive Heart Failure Secondary to
Bctamimetics" Roger Spencer, M.D. and
A.R. Smythe, M.D. October 1980 (Invited)

Department of OB/GYN
"Prenatal Diagnosis:
Richland Memorial Hospital
Columbia, South Carolina
April 1981 (Invited)

Armed Forces District ACOG
"Fetal Heart Rate and Uterine
Contraction Response to Amniocentesis in
the Third Trimester"
A.R. Smythe, M. D. and E.B. Blackmon, M. D.
Phoenix, Arizona
October 1981 (Contributed)

Department of OB/GYN
"Hodgkin's Disease in Pregnancy"
"Complications of Treatment of Preterm
Labor"
Richland Memorial Hospital
Columbia, South Carolina

April 1982 (Invited)

Ninth Annual Neonatal Symposium
"Big Problems in Small Packages: An
Obstetrical Overview"
Columbia, South Carolina
September 1982 (Invited)

Nursing Staff
"Renal Failures and Pregnancy"
Richland Memorial Hospital
Columbia, South Carolina
September 1983 (Invited)

South Carolina Genetics Conclave
"Hydrocephaly—Obstetrical Diagnosis"
Columbia, South Carolina
September 1983 (Invited)

South Carolina OB/GYN Society
Annual Meeting
"Severe Pulmonary Disease in Pregnancy
and Swan-Ganz"
Sea Island, Georgia
October 1983 (Contributed)

Armed Forces District ACOG
"Severe Pulmonary Disease in Pregnancy
and Swan-Ganz"
Las Vegas, Nevada
October 1983 (Contributed)

Family Practice Conference
"Prenatal Diagnosis"
Richland Memorial Hospital
Columbia, South Carolina
March 1984 (Invited)

Diabetes Training Program
"Glycemic Control"
Columbia, South Carolina
March 1984 (Invited)

Professional Staff Conference
"Antenatal Diagnosis"
Moncrief Army Hospital
Columbia, South Carolina
March 1984 (Invited)

Marlboro County Medical Society
"Current Indications of Cesarean
Section"
Bennettsville, South Carolina
April 1984 (Invited)

NACOG
"Legal Aspects of Fetal Monitoring"
Baptist Medical Center
Columbia, South Carolina
May 1984 (Invited)

Department of Anesthesiology
"Utero-Placenta Physiology"
"Prenatal Diagnosis"
"Diabetes in Pregnancy"
Richland Memorial Hospital
Columbia, South Carolina
August 1984 (Invited)

South Carolina Genetics Conclave
"Black Fan-Diamond Syndrome"
Columbia, South Carolina
September 1984 (Invited)

General Surgical Grand Rounds
"Infection in Obstetrics and Gynecology"
Columbia, South Carolina
September 1984 (Invited)

Armed Forces District ACOG
"Preterm Rupture of the Membrane—The
Influence of Betamethasone on Perinatal
Infections"
Atlanta, Georgia
October (Contributed)

South Atlantic Association of
Obstetricians and Gynecologists
"Reliability of Gynecological
Sonographic Diagnosis"
Presented by Ronald V. Wade, M.D.
Authored by Ronald V. Wade, M.D.,
Alexander R. Smythe, M.D., E.J. Dennis,
M.D., George W. Watt, M.D., and Ann
Bennett, R.N.
Hot Springs, Virginia
January 1985 (Invited)

Department of Genetics, Viral, Drug and
Radiation Teratology—Dept. of OB/GYN-
11/5/85

South Carolina Medical Association
"High-Risk Pregnancy"
Charleston, South Carolina
April 1986 (Invited)

S.C. Department of Health, Education,
and Welfare
"Diabetic Management During Pregnancy"
Diabetes Conference

Conference Chairman, Kay McFarland
June, 1987

McLeod Regional Hospital
Pee Dee Perinatal Association
"Advances in Perinatology"
June 26, 1987

South Atlantic Journal of Obstetrics-
Gynecology
"Insulinoma in Pregnancy"
January 1990

South Atlantic OB/GYN Society
"Cerebral Palsy and Fetal Distress"
January 1991 (Invited)

Mary Black Hospital
Ectopic Pregnancy Grand Rounds
March 1991

S.C. OB/GYN Society
Operative Laparoscopy Surgery
Asheville, N.C.
September 1991

Crohn's & Colitis Foundation of America
"Inflammatory Bowel Disease in
Pregnancy"
May 30, 1992

S.C. Medical Association
"What's New in OB/GYN?"
April 22, 1993 (Invited)

S.C. OB/GYN Society
"Operative Hysteroscopy and
Endometrial Ablation"
May 1995 (Invited)

"Menopause" Colonial Life 10/8/08

PUBLICATIONS:

Smythe AR, Underwood PB: Ectopic
Pregnancy After Postcoital
Dichystilbestrol.
AM J Obstet Gynecol 121:284, 15
January 1975

Johnson III, Culp TW, Kaufman RH,
Smythe AR, Feldman GI: The
influence of exogenous PMS and HCG
on the arachidonic acid content of
the immature rat ovary. Proceedings
of the Society for Experimental
Biology and Medicine 149:1005, 1975.

Smythe AR, Underwood PB: Metastatic tumors of the placenta: Report of three cases. AM J Obstet Gynecol 25:1129, 15 August 1976.

Horger EO, Smythe AR: Pregnancy in women over forty. Obstet Gynecol 49:257, #3, March 1977.

Smythe AR: Pregnancy associated with extrophy of the bladder, obstructive renal failure and vaginal hysterotomy. Armed Forces District Newsletter Vol. 3 (No. 2), 1980

Smythe AR, Sakakini J: Maternal metabolic alterations secondary to terbutaline therapy for premature labor. Obstet Gynecol 51:566, May 1981.

Smythe AR: Ultrasonic detection of fetal ascites and bladder dilation with resulting prune-belly. J Ped 98 (6): 978, 1981.

Smythe AR: Preterm labor and premature rupture of the membranes-1984. J SC Med Assoc 80:333, July 1984.

Smythe AR: Pregnancy associated with extrophy of the bladder and obstructive renal failure. South Med J 77 (No. 9): 1196, September 1984.

Smythe AR, Gallery P, Kraynack B: Severe pulmonary disease in pregnancy assessed with Swan-Ganz monitoring. Vol: 133, February, 1985. Journal of Reproductive Medicine.

Reliability of Gynecologic "Sonographic Diagnosis", 1978-1984. Wade, R.V., Smythe, A.R., Watt, G.W., et al, AJOG, 153:186, September 15, 1985.

Ronald V. Brown, M.D., A. Van Moore,
M.D., and Alexander R. Smythe, II,
M.D.: Arteriographic management of
uterine arteriovenous fistula. AJOG,
PP 491-493, September 1986

Smythe AR: "Multiple Endocrine
Adenomatosis Type I in Pregnancy"
American Journal of Obstetrics and
Gynecology, September 1990,
163:1037.

Smythe AR: "Appropriateness of
Intrapartum Fetal Heart Rate
Managements and Risk of Cerebral
Palsy": Discussion;
A.J.O.B. 165: 276, August 1991.

POSITIONS HELD:

Madigan Army Medical Center
Chief Obstetrical Service- 1980-82
Director Maternal Fetal Medicine- 1981-82

Richland Memorial Hospital
Assistant Professor
OB-GYN Director Maternal-Fetal Medicine
1982-85

Baptist Medical Center
Vice-Chairman Department OB-GYN- 1988-90
Chairman Department OB-GYN 1991-93

Mary Black Hospital Spartanburg, South
Carolina, Consultant Maternal-Fetal
Medicine- 1988-95