

ORIG. <u>COMP</u> PARTIES, SUMMONS		
() CERT MAIL	() SHERIFF	() WAVE
() PROCESS SERVER	() NONE	
CLERKS FEES	205.00	TIC
SECURITY FOR COST		
DEPOSITED BY	29997	
FILING CODE	4-341	

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

FILED

JUN 6 2 25 PM '00

JAMES C. JONES
CLERK OF COURTS
HAMILTON COUNTY, OHIO

PHYLIS H. PASTOR
401 S. Poplar Street
Rising Sun, Indiana 47040

Plaintiff

vs.

DR. KATHERINE D. HEWITT
71 East Hollister Avenue
Cincinnati, Ohio 45219

and

KATZ, KADE AND HEWITT, INC.
71 East Hollister Avenue
Cincinnati, Ohio 45219

Defendants

CASE NO. **A0003483**

COMPLAINT FOR
PERSONAL INIURY

COUNT ONE

1) At all times hereinafter mentioned, Defendant Dr. Katherine D. Hewitt, was and now is, a licensed and practicing physician in the State of Ohio. Defendant Dr. Katherine D. Hewitt, at all times herein mentioned, held herself out to the public generally as being qualified and skilled in the practice of medicine.

2) Defendant Katz, Kade and Hewitt, Inc. is the name of the business entity and medical practice office in which Defendant Dr. Katherine D. Hewitt practices medicine.

3) Defendant, Dr. Katherine D. Hewitt, as part of the medical diagnosis, care and treatment rendered to Plaintiff Phylis H. Pastor, performed a total abdominal hysterectomy surgery upon Plaintiff Phylis H.

Pastor on December 16, 1998.

4) Defendant Dr. Katherine D. Hewitt and employees and agents of Defendant Katz, Kade and Hewitt, Inc. carelessly, negligently and prematurely removed the surgical staples from Plaintiff Phylis H. Pastor following the performance of the abdominal hysterectomy surgery on December 16, 1998.

5) Subsequent to the total abdominal hysterectomy surgery performed on or about December 16, 1998, Defendant Dr. Katherine D. Hewitt and employees and agents of Defendant Katz, Kade and Hewitt, Inc. carelessly and negligently provided follow-up care, services and treatment to Plaintiff Phylis H. Pastor.

6) Defendant Dr. Katherine D. Hewitt and employees and agents of Defendant Katz, Kade and Hewitt, Inc., carelessly and negligently failed to exercise ordinary skill, care and diligence in the treatment and follow-up care of Plaintiff Phylis H. Pastor.

7) As the direct and proximate result of the negligence of Defendants Dr. Katherine D. Hewitt and Katz, Kade and Hewitt, Inc., Plaintiff Phylis H. Pastor has been required to undergo additional hospitalizations, surgical procedures and continuing medical treatment.

8) As the direct and proximate result of the negligence of Defendants Dr. Katherine D. Hewitt and Katz, Kade and Hewitt, Inc., Plaintiff Phylis H. Pastor has incurred an infected wound with dehiscence, abscess and cellulitis; necrosis of a portion of the anterior rectus sheath; abdominal wall hernia; fascial dehiscence; was required to undergo open wound debridement on 1/6/99; was required to undergo a surgical procedure known as "Unroofing of sinus tract" on 7/16/99; was required to undergo a surgical procedure known as "Repair of incarcerated ventral hernia" on 7/28/99; has incurred bodily discomfort and suffering; has

incurred permanent bodily scarring; has incurred serious and severe emotional distress, severe depression and interruption of sleep; and has incurred mental and emotional distress, nervousness and anxiety, mental anguish, loss of enjoyment of life, generalized bodily pain, generalized bodily soreness and bodily suffering. All of the aforementioned injuries are permanent in nature.

9) As the direct and proximate result of the negligence of Defendants Dr. Katherine D. Hewitt and Katz, Kade and Hewitt, Inc., Plaintiff Phylis H. Pastor has incurred medical expenses for hospitals, doctors, surgeons, pharmacy expenses, and other medical and special expenses in an amount exceeding \$17,500.00; and because Plaintiff's injuries are permanent in nature, said Plaintiff Phylis H. Pastor will be required to expend additional sums for medical treatment and care in the future.

10) As a direct and proximate result of the negligence of Defendants, Dr. Katherine D. Hewitt and Katz, Kade and Hewitt, Inc., Plaintiff Phylis H. Pastor has incurred loss of income and earnings, impairment of earning and income capacity and other economic loss in a minimum amount of \$26,250.00. Further, because Plaintiff's injuries are permanent in nature, said Plaintiff will incur further loss of income, impairment of earning and income capacity and other economic loss in the future.

COUNT TWO

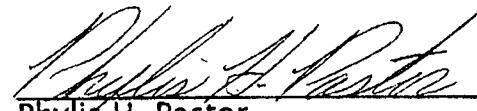
11) Plaintiff Phylis H. Pastor hereby reiterates, incorporates, and adopts all allegations set forth in Count One as if fully rewritten herein.

12) Defendant Katz, Kade and Hewitt, Inc. is the name of the business entity and medical practice office in which Defendant Dr. Katherine D. Hewitt practices medicine.

indicated, performed and rendered medical diagnosis, care, and treatment to and upon Plaintiff Phylis H. Pastor while being associated with Defendant Katz, Kade and Hewitt, Inc., acting within the scope of her employment as an employee, agent, representative, owner and as a participant in the activities of said business entity.

14) Defendant Dr. Katherine D. Hewitt and the employees, agents, representatives, and other participants in the business entity known as Katz, Kade and Hewitt, Inc., acted carelessly and negligently in the care and treatment of Plaintiff Phylis H. Pastor.

WHEREFORE, Plaintiff Phylis H. Pastor hereby demands judgment against Defendant Dr. Katherine D. Hewitt and Defendant Katz, Kade and Hewitt, Inc., jointly and/or severally as follows: compensatory damages in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00), together with attorney's fees, all costs expended herein, and any other relief to which Plaintiff may be entitled.


Phylis H. Pastor
401 S. Poplar Street
Rising Sun, Indiana 47040
Telephone (812) 438-4223

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

PHYLIS H PASTOR
PLAINTIFF

-- vs --

DR KATHERINE D HEWITT
DEFENDANT

Use below number on
all future pleadings

No. A 0003483
SUMMONS

DR KATHERINE D HEWITT
71 EAST HOLLISTER AVENUE
CINCINNATI OH 45219

D-1

You are notified
that you have been named Defendant(s) in a complaint filed by

PHYLIS H PASTOR
401 S POPLAR STREET
RISING SUN IN 47040

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
JAMES CISSELL, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's
attorney, or upon the plaintiff, if he has no attorney of record, a copy
of an answer to the complaint within twenty-eight (28) days after service
of this summons on you, exclusive of the day of service. Your answer must
be filed with the Court within three (3) days after the service of a copy
of the answer on the plaintiff's attorney.

If you fail to appear and defend, judgment by default will be rendered
against you for the relief demanded in the attached complaint.

JAMES CISSELL
Clerk, Court of Common Pleas
Hamilton County, Ohio

Name and Address of attorney
PRO SE

By CARL E PIECZONKA Deputy

Date: June 7, 2000



COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

PHYLIS H PASTOR
PLAINTIFF

-- VS --

DR KATHERINE D HEWITT
DEFENDANT

Use below number on
all future pleadings

No. A 0003483
SUMMONS

KATZ KADE AND HEWITT INC
71 EAST HOLLISTER AVENUE
CINCINNATI OH 45219

D-2

You are notified
that you have been named Defendant(s) in a complaint filed by

PHYLIS H PASTOR
401 S POPLAR STREET
RISING SUN IN 47040

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
JAMES CISSELL, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's
attorney, or upon the plaintiff, if he has no attorney of record, a copy
of an answer to the complaint within twenty-eight (28) days after service
of this summons on you, exclusive of the day of service. Your answer must
be filed with the Court within three (3) days after the service of a copy
of the answer on the plaintiff's attorney.

If you fail to appear and defend, judgment by default will be rendered
against you for the relief demanded in the attached complaint.

JAMES CISSELL
Clerk, Court of Common Pleas
Hamilton County, Ohio

Name and Address of attorney
PRO SE

By CARL E PIECZONKA
Deputy

Date: June 7, 2000





COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

CLASSIFICATION FORM
(REV 1-3-990)

JAMES CISSELL
CLERK OF COURTS

CASE NUMBER: A0003483 PLAINTIFF: _____

PURSUANT TO SUPERINTENDENCE RULE 4, THIS CASE WAS ORIGINALLY FILED AND DISMISSED

UNDER CASE NUMBER: _____ BY JUDGE _____

PLEASE INDICATE CLASSIFICATION INTO WHICH THIS CASE FALLS

- ☐ OTHER TORT - C360
 ☐ Personal Injury - C310
 ☐ Wrongful Death - C320
 ☐ Vehicle Accident - C370

- ☒ PROFESSIONAL TORT - A300
 ☐ Personal Injury - A310
 ☐ Wrongful Death - A320
 ☐ Legal Malpractice - A330
 ☒ Medical Malpractice - A340

- ☐ PRODUCT LIABILITY - B350
 ☐ Personal Injury - B310
 ☐ Wrongful Death - B320

- WORKER'S COMPENSATION
 ☐ Non-Compliant Employer - D410
 ☐ Appeal - D420

- FORECLOSURE
 ☐ Foreclosure - E510
 ☐ Foreclosure-taxes - E520
 ☐ Foreclosure-Mechanics Lien - E530

- ☐ ADMINISTRATIVE APPEALS - F600
 ☐ Appeal Civil Service - F610
 ☐ Appeal Motor Vehicle - F620
 ☐ Appeal Unemployment - F630
 ☐ Appeal Liquor - F640
 ☐ Appeal Taxes - F650
 ☐ Appeal Zoning - F660

- ☐ OTHER CIVIL - H700
 ☐ Appropriation - H710
 ☐ Accounting - H720
 ☐ Beyond Jurisdiction - H730
 ☐ Breach of Contract - H740
 ☐ Cancel Land Contract - H750
 ☐ Change of Venue - H760
 ☐ Class Action - H770
 ☐ Convey Declared Void - H780
 ☐ Declaratory Judgment - H790
 ☐ Discharge Mechanics Lien - H800
 ☐ Dissolve Partnership - H810
 ☐ Habeas Corpus - H830
 ☐ Injunction - H840
 ☐ Mandamus - H850
 ☐ On Account - H860
 ☐ Partition - H870
 ☐ Quiet Title - H880
 ☐ Replevin - H890
 ☐ Sale of Real Estate - H900
 ☐ Specific Performance - H910
 ☐ Restraining Order - H920
 ☐ Testimony - H930-21
 ☐ Environmental - H940
 ☐ Cognovit - H950
 ☐ Menacing by Stalking - H960
 ☐ CONSUMER SALES ACT (1345 ORC) - H820
 ☐ Check here if relief includes declaratory judgment, injunction or class action recovery - H825

DATE: 6/6/00

ATTORNEY (PRINT): Phyllis H. Pastor, Pro Se

SUPREME COURT NUMBER: _____



COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

CLASSIFICATION FORM
(REV 1-3-990)

JAMES CISELL
CLERK OF COURTS

CASE NUMBER: A0003483 PLAINTIFF: Phyllis H. PASTOR

PURSUANT TO SUPERINTENDENCE RULE 4, THIS CASE WAS ORIGINALLY FILED AND DISMISSED

UNDER CASE NUMBER: _____ BY JUDGE _____

PLEASE INDICATE CLASSIFICATION INTO WHICH THIS CASE FALLS:

() OTHER TORT - C360

- () Personal Injury - C310
- () Wrongful Death - C320
- () Vehicle Accident - C370

() PROFESSIONAL TORT - A300

- () Personal Injury - A310
- () Wrongful Death - A320
- () Legal Malpractice - A330
- ☒ Medical Malpractice - A340

() PRODUCT LIABILITY - B350

- () Personal Injury - B310
- () Wrongful Death - B320

WORKER'S COMPENSATION

- () Non-Compliant Employer - D410
- () Appeal - D420

FORECLOSURE

- () Foreclosure - E510
- () Foreclosure-taxes - E520
- () Foreclosure-Mechanics Lien - E530

() ADMINISTRATIVE APPEALS - F600

- () Appeal Civil Service - F610
- () Appeal Motor Vehicle - F620
- () Appeal Unemployment - F630
- () Appeal Liquor - F640
- () Appeal Taxes - F650
- () Appeal Zoning - F660

() OTHER CIVIL - H700

- () Appropriation - H710
- () Accounting - H720
- () Beyond Jurisdiction - H730
- () Breach of Contract - H740
- () Cancel Land Contract - H750
- () Change of Venue - H760
- () Class Action - H770
- () Convey Declared Void - H780
- () Declaratory Judgment - H790
- () Discharge Mechanics Lien - H800
- () Dissolve Partnership - H810
- () Habeas Corpus - H830
- () Injunction - H840
- () Mandamus - H850
- () On Account - H860
- () Partition - H870
- () Quiet Title - H880
- () Replevin - H890
- () Sale of Real Estate - H900
- () Specific Performance - H910
- () Restraining Order - H920
- () Testimony - H930-21
- () Environmental - H940
- () Cognovit - H950
- () Menacing by Stalking - H960
- () CONSUMER SALES ACT (1345 ORC) - H820
- () Check here if relief includes declaratory judgment, injunction or class action recovery - H825

FILED

JUN 7 8 29 AM '00

DATE: 6-6

ATTORNEY (PRINT): Phyllis H. PASTOR

SUPREME COURT NUMBER: 29997

IN THE COURT OF COMMON PLEAS

HAMILTON COUNTY, OHIO

PHYLIS H. PASTOR

Plaintiff,

vs.

DR. KATHERINE D. HEWITT, et al.

Defendants.

Case No. A0003483

**ANSWER OF DEFENDANTS, KATHERINE D. HEWITT, M.D. AND
KATZ, KADE AND HEWITT, INC. TO PLAINTIFF'S COMPLAINT WITH
JURY DEMAND ENDORSED HEREON**

Now come Defendants, Katherine D. Hewitt, M.D. and Katz, Kade and Hewitt, Inc., by and through counsel, and hereby answer the allegations of plaintiff's complaint as follows:

1. Defendants admit the allegations set forth in paragraphs 1, 2, 3 and 12 of the complaint.
2. Defendants deny the allegations set forth in paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14 of the Complaint.
3. Defendants deny each and every allegation of plaintiff's complaint not specifically admitted in this answer.

AFFIRMATIVE DEFENSES

11. Plaintiff's complaint fails to state a claim upon which relief can be granted.
12. Plaintiff's complaint is barred, in whole or part, by the applicable statutes of limitations.
13. Plaintiff's alleged injuries and damages were caused by third persons, parties or entities over whom Defendants had no power, authority or right of control.

LAW OFFICES OF

ARNOLD &
ASSOCIATES

SUITE 320
10260 ALLIANCE ROAD
CINCINNATI, OHIO 45242
(513) 791-9633
FAX: (513) 791-9622

14. Plaintiff's alleged injuries and damages were caused or contributed to, by Plaintiff's own negligence.

15. Defendants are entitled to a set off of damages and/or limitation of damages pursuant to statute.

16. Plaintiff has failed to join indispensable parties to this action.

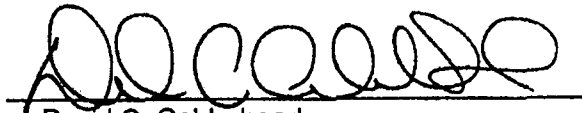
17. Plaintiff assumed the risks of the alleged injuries and damages of which she complains.

WHEREFORE, having answered the allegations of Plaintiff's complaint, Defendants, Katherine D. Hewitt, M.D. and Katz, Kade and Hewitt, Inc., respectfully request that Plaintiff's complaint be dismissed as against her, with prejudice, and that Plaintiff be ordered to pay all court costs and all costs incurred in the defense of this matter, with interest.

Respectfully submitted,

ARNOLD & ASSOCIATES CO., L.P.A.

By:



David C. Calderhead
10260 Alliance Road, Suite 320
Cincinnati, Ohio 45242
Tel.: (513) 791-9633

Counsel for Defendants
Katherine D. Hewitt, M.D. and
Katz, Kade and Hewitt, Inc.

JURY DEMAND

Defendants, Katherine D. Hewitt, M.D. and Katz, Kade and Hewitt, Inc., demand trial by jury of the within action.



David C. Calderhead

LAW OFFICES OF


ARNOLD &
ASSOCIATES

SUITE 320
10260 ALLIANCE ROAD
CINCINNATI, OHIO 45242
(513) 791-9633
FAX: (513) 791-9622

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served upon all parties or counsel of record by regular U.S. Mail, postage prepaid, this 6th day of July, 2000.

Phylis H. Pastor
401 S. Poplar Street
Rising Sun, Indiana 47040
Pro Se Plaintiff


David C. Calderhead

LAW OFFICES OF

ARNOLD &
ASSOCIATES

SUITE 320
10260 ALLIANCE ROAD
CINCINNATI, OHIO 45242
(513) 791-9633
FAX: (513) 791-9622

HAMILTON COUNTY CLERK OF COURTS
C A S E C O S T S T A T E M E N T

CASE NUMBER = A 0003483

Page 1
CMSR5018

TODAY'S DATE: 11/07/200
TODAY'S TIME: 07:1

CASE NUMBER : A 0003483

LAST ACTIVITY DATE : 11/06/2000

PHYLIS H PASTOR vs. DR KATHERINE D HEWITT

FILING DATE : 06/06/2000

FILING : A341 PROF TORT- MEDICAL MALPRACTICE

CURRENT JUDGE : 192 MARK R SCHWEIKERT
PREVIOUS JUDGE :

ASSIGN DATE : 06/07/2000

Count: DISPOSITION: H DISMISSAL

IMAGE: DATE: 11/02/2000

NOTE :

COST APPL DATE : 11/06/2000
APPLIED COSTS: \$ 129.00

LAST BILLING DATE :

DEPOSIT MOTION FLAG : Y

PARTY REFERENCE

STATUS DATE	PARTY NBR	PARTY NAME ADDRESS	ATTORNEY NBR	ATTORNEY NAME ADDRESS
A 06/06/2000	D-1	DR KATHERINE D HEWITT 71 EAST HOLLISTER AVENUE CINCINNATI OH 45219	39013	DAVID C CALDERHEAD SUITE 320 10260 ALLIANCE ROAD CINCINNATI OH 45242-4744
A 06/06/2000	D-2	KATZ KADE AND HEWITT INC 71 EAST HOLLISTER AVENUE CINCINNATI OH 45219		
A 06/06/2000	P-1	PHYLIS H PASTOR 401 S POPLAR STREET RISING SUN IN 47040	Z9997	PRO SE

HAMILTON COUNTY CLERK OF COURTS
CASE COST STATEMENT

CASE NUMBER = A 0003483

TODAY'S DATE: 11/07/200
TODAY'S TIME: 07:1

Page 2
CMSR5018

D O C K E T E N T R I E S

DOC NBR	ENTRY TYP	DOCK CODE	ENTRY DATE	IMAGE NUMBER	DOCKET DESCRIPTION/ DOCKET COMMENT	AMOUNT	APPLIED
45046079		600	11/06/2000		- Cashier's Application Run -		
45046070	M	3SCP	11/06/2000		COSTS PAID BY AND CHECK ISSUED TO : PHYLIS H PASTOR	76.00	Y
45017145	D	KFD	11/02/2000		NOTICE OF DISMISSAL WITH PREJU DICE	2.00	Y
44754369	D	EF	10/10/2000	62	NOTICE OF INTENT TO DISMISS	3.00	Y
44109680	D	FF	08/03/2000		DEFENDANTS' MOTION FOR SUMMARY JUDGMENT	7.00	Y
38978363		FNFF	07/10/2000		NOTIFICATION FORM FILED.		
38974864	D	FN	07/10/2000		NOTICE OF SERVICE OF DISCOVERY	2.00	Y
38974859	D	FA	07/10/2000		ANSWER OF DEFENDANTS, KATHERINE D. HEWITT, M.D. AND KATZ, KADE AN D HEWITT, INC. TO PLAINTIFF'S COMPLAINT WITH JURY DEMAND END ORSED HERBON	3.00	Y
38791788		JPR	06/12/2000		POSTAL RECEIPT RETURNED, COPY OF SUMMONS AND COMPLAINT DELIVERED TO KATZ KADE AND HEWITT INC ON 06/09/00, FILED		
38791743		JPR	06/12/2000		POSTAL RECEIPT RETURNED, COPY OF SUMMONS AND COMPLAINT DELIVERED TO DR KATHERINE D HEWITT ON 06/09/00, FILED		
38758306		245	06/07/2000		JUDGE ASSIGNED CASE ROLLED TO SCHWEIKERT/MARK /R PRIMARY		
38756769	D	MAIA	06/07/2000		CERTIFIED MAIL SERVICE	5.00	Y
38756763	D	MAIA	06/07/2000		CERTIFIED MAIL SERVICE	5.00	Y
38756770	D	SUMA	06/07/2000		SUMMONS ISSUED BY CERTIFIED MAIL TO KATZ KADE AND HEWITT INC	4.00	Y
38756764	D	SUMA	06/07/2000		SUMMONS ISSUED BY CERTIFIED MAIL TO DR KATHERINE D HEWITT	4.00	Y
38751869	D	COMP	06/06/2000		COMPLAINT FILED	4.00	Y
38751868	D	POST	06/06/2000		POSTAGE: COST DESK	2.00	Y
38751867	D	LAA	06/06/2000		O.R.C. SECTION 2303.201	15.00	Y
38751866	D	FCF	06/06/2000		CLASSIFICATION FORM FILED.	0.00	Y
38751865	D	CPMA	06/06/2000		COURT MEDIATION PROGRAM FEE PER ENTRY 8/3/99 IMAGE 164; M-9900002.	25.00	Y
38751864	D	CLR	06/06/2000		COMPUTER LEGAL RESEARCH	3.00	Y
38751862	D	CLK	06/06/2000		CLERK FEE FOR EACH CAUSE	25.00	Y
38751861	D	CI	06/06/2000		COURT INDEX	14.00	Y
38751860	D	CCA	06/06/2000		COURT AUTOMATION	6.00	Y
38751855	P	ATE	06/06/2000		FOREIGN PLAINTIFF FEES PAID BY PHYLIS H PASTOR	-205.00	Y

** CASE BALANCE **** CASE BALANCE **** CASE BALANCE ** ==>

0.00

Total Deposits : 205.00 CR
Total Costs : 129.00
Total Credits : 0.00
Total Money Out : 76.00

Unapplied Deposits : 0.00
Unapplied Costs : 0.00

Account	Account Name	Amount:	Applied Amount:
1000-0131	CASE DEPOSIT (ISSUE) #1	205.00 CR	205.00 CR
1000-0132	COURT INDEX	14.00	14.00
1000-0211	CLERK FEES	25.00	25.00
1000-0275	COURT MEDIATION PROGRAM	25.00	25.00

1000-0278	COMPUTERIZED LEGAL RESEARCH	3.00	3.00
1000-0279	COURT AUTOMATION	6.00	6.00
1000-0804	O.R.C. SECTION 2303.201	15.00	15.00
2000-0211	CLERK FEES	29.00	29.00
2000-0752	POSTAGE	12.00	12.00
3000-0999	SUNDRY; CHECKS ISSUED	76.00	76.00
		-----	-----
		0.00	0.00