

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

JASMINE VAUGHN,

Plaintiff,

-vs-

CASE NO. 15- 561 -NH

ANGEL OJEDA, M.D., MICHAEL ROTH, M.D.,
and ANGEL OJEDA, M.D., P.C. d/b/a
EASTLAND WOMEN'S CLINIC, Jointly and
Severally,

RICHARD L. CARETTI

Defendants.

HOWARD J. VICTOR (P27811)
Attorney for Plaintiffs
30445 Northwestern Highway
Suite 210
Farmington Hills, MI 48334
(248) 737-9101

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action not between these parties arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred or otherwise disposed of after having been assigned to a judge in this Court.



HOWARD J. VICTOR (P27811)

COMPLAINT AND JURY DEMAND

NOW COMES the Plaintiff JASMINE VAUGHN, by and through counsel, WORSHAM & VICTOR, P.C., and for her cause of action against the Defendants above, present unto this Honorable Court the following:

COUNT I
[GENERAL ALLEGATIONS]

1. That the Plaintiff, JASMINE VAUGHN [Hereinafter known as "JASMINE"], is a resident of the City of Detroit, County of Wayne, State of Michigan.
2. That the Defendant, ANGEL OJEDA, M.D.,P.C. d/b/a EASTLAND WOMEN'S CLINIC [hereinafter known as "EASTLAND"], is a domestic professional service corporation doing business at 15921 East Eight Mile Road, in the City of Eastpointe, County of Macomb, and State of Michigan.
3. That the Defendant EASTLAND has as its resident agent Defendant ANGEL OJEDA, M.D. [hereinafter known as " DR. OJEDA"], and a registered office at 15921 East Eight Mile Road, Eastpointe, Michigan 48021.
4. That the Defendant DR. OJEDA, is a duly licensed physician in the State of Michigan and was, and at all times relevant herein, an employee, agent, servant, officer, and/or representative of EASTLAND, acting within the scope of such.
5. That the Defendant MICHAEL ROTH, M.D. [hereinafter known as "DR. ROTH"], is a duly licensed physician in the State of Michigan and was, and at all times relevant herein, an employee, agent, servant, officer, and/or representative of EASTLAND, acting within the scope of such.
6. That the incident giving rise to this Complaint against Defendants arose in the City of Eastpointe, County of Macomb, and State of Michigan.
7. That venue is proper pursuant to MCL 600.1629.
8. That the amount in controversy is in excess of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS.

9. That JASMINE is a twenty three (23) year old woman engaged to Joseph Jones.

10. That at the time of the incident at issue, JASMINE was a student at Central State University in Wilberforce, Ohio and graduated in or around December 2013.

11. That on or around March 22, 2013, JASMINE presented to EASTLAND regarding a possible pregnancy.

12. That JASMINE pregnancy test was positive.

13. That a trans-abdominal ultra sound was performed at EASTLAND.

14. That JASMINE was advised she was seven (7) weeks pregnant with an intrauterine pregnancy.

15. That JASMINE was advised that she could terminate the pregnancy surgically or medically.

16. That JASMINE opted for medical termination.

17. That JASMINE was given the medication necessary for the termination before leaving EASTLAND on or around March 22, 2013.

18. That both DR. OJEDA and DR. ROTH'S names appear on JASMINE'S EASTLAND chart for her visit on or around March 22, 2013.

19. That it is unknown whether DR. OJEDA or DR. ROTH read and interpreted the March 22, 2013 ultra sound.

20. That the ultra sound was misread.

21. That the pregnancy was not an intrauterine pregnancy, but an ectopic pregnancy.

22. That JASMINE return to EASTLAND on or around March 25, 2013 with complaints of pelvic pain.

23. That JASMINE was given another ultra sound and discharge.

24. That on or around April 8, 2013, JASMINE'S pain continued to get worse.

25. That JASMINE went to Greene Memorial Hospital.

26. That JASMINE was seen in the Emergency Department.

27. That JASMINE had an OB/GYN consultation.

28. That it was determined that JASMINE did not have an intrauterine pregnancy, but an ectopic pregnancy.

29. That JASMINE'S ectopic pregnancy had ruptured her fallopian tube.

30. That JASMINE required emergency surgery to remove her right fallopian tube.

31. That due to the negligence and breaches of the standard of care by the DEFENDANTS, JASMINE'S ectopic pregnancy went undiagnosed and untreated.

32. That the lack of appropriate medical and/or surgical care for JASMINE'S ectopic pregnancy resulted in the ectopic pregnancy rupturing the right fallopian tube.

33. That as a result of that rupture, JASMINE developed severe complications that required emergency surgery, loss of her right fallopian tube, possible infertility, and considerable medical expense.

34. That each of these problems, to a reasonable degree of medical certainty, would have been avoided had the ectopic pregnancy been diagnosed and treated in a timely manner on March 22, 2013 and/or March 25, 2013.

35. That in addition the undiagnosed ectopic pregnancy and additional surgical procedures, JASMINE experienced pain, suffering, discomfort, humiliation, disability, prolonged rehabilitation, fear, shock, residual scarring, additional medical care and treatment, additional hospitalization, loss of enjoyment of life, and economic loss.

36. That had the Defendants complied with the standard of care, JASMINE would not have suffered said damages.

WHEREFORE, Plaintiff JASMINE VAUGHN, by and through counsel, WORSHAM & VICTOR, P.C., respectfully requests that this Honorable Court enter judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, which the trier of fact determines the Plaintiff has suffered, together with costs, fees and interest so wrongfully sustained.

COUNT II
ANGEL OJEDA, M.D., P.C d/b/a EASTLAND WOMEN'S CLINIC
[NEGLIGENCE]

37. That the Plaintiff, by and through counsel, WORSHAM & VICTOR, P.C., hereby incorporate by reference all the allegations set forth in Count I as if fully set forth herein.

38. That the Defendant EASTLAND owed a duty to the Plaintiff JASMINE as a health care provider, via its agents and employees, including Defendant, DR. OJEDA and DR. ROTH, and that said duty was breached by deviations from the standard of practice of medicine, which said breaches of duty include by way of illustration and not limitation, the following:

- a. by failing to test the patient for pregnancy;
- b. by failing to perform an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;
- c. by failing to perform serial Beta HCG testing;
- d. by failing to monitor the patient if no intrauterine pregnancy was found on the ultra sound;
- e. by failing to interpret the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- f. by failing to properly diagnose the ectopic pregnancy;
- g. by failing to timely treat the ectopic pregnancy medically or through tube saving surgery; and
- h. by failing to timely provide the appropriate follow up care and treatment for JASMINE based on the information that was or should have been available.

39. That due to the negligence and breaches of the standard of care by the DEFENDANTS, JASMINE'S ectopic pregnancy went undiagnosed and untreated.

40. That the lack of appropriate medical and/or surgical care for JASMINE'S ectopic pregnancy resulted in the ectopic pregnancy rupturing the right fallopian tube.

41. That as a result of that rupture, JASMINE developed severe complications that required emergency surgery, loss of her right fallopian tube, possible infertility, and considerable medical expense.

42. That each of these problems, to a reasonable degree of medical certainty, would have been avoided had the ectopic pregnancy been diagnosed and treated in a timely manner on March 22, 2013 and/or March 25, 2013.

43. That in addition the undiagnosed ectopic pregnancy and additional surgical procedures, JASMINE experienced pain, suffering, discomfort, humiliation, disability, prolonged rehabilitation, fear, shock, residual scarring, additional medical care and treatment, additional hospitalization, loss of enjoyment of life, and economic loss.

44. That had the Defendants complied with the standard of care, JASMINE would not have suffered said damages.

WHEREFORE, Plaintiff JASMINE VAUGHN, by and through counsel, WORSHAM & VICTOR, P.C., respectfully requests that this Honorable Court enter judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, which the trier of fact determines the Plaintiff has suffered, together with costs, fees and interest so wrongfully sustained.

COUNT III
ANGEL OJEDA, M.D.
[NEGLIGENCE]

45. That the Plaintiff, by and through counsel, WORSHAM & VICTOR, P.C., hereby incorporate by reference all the allegations set forth in Count I & II as if fully set forth herein.

46. That the Defendant, DR.OJEDA, owed a duty to the Plaintiff JASMINE, as a licensed physician in the State of Michigan, by reason of physician-patient relationship, and that said duty was breached by deviations from the standard of practice of medicine, which said breaches of duty include by way of illustration and not limitation, the following:

- a. by failing to test the patient for pregnancy;

- b. by failing to perform an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;
- c. by failing to perform serial Beta HCG testing;
- d. by failing to monitor the patient if no intrauterine pregnancy was found on the ultra sound;
- e. by failing to interpret the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- f. by failing to properly diagnose the ectopic pregnancy;
- g. by failing to timely treat the ectopic pregnancy medically or through tube saving surgery; and
- h. by failing to timely provide the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.

47. That due to the negligence and breaches of the standard of care by the DEFENDANTS, JASMINE'S ectopic pregnancy went undiagnosed and untreated.

48. That the lack of appropriate medical and/or surgical care for JASMINE'S ectopic pregnancy resulted in the ectopic pregnancy rupturing the right fallopian tube.

49. That as a result of that rupture, JASMINE developed severe complications that required emergency surgery, loss of her right fallopian tube, possible infertility, and considerable medical expense.

50. That each of these problems, to a reasonable degree of medical certainty, would have been avoided had the ectopic pregnancy been diagnosed and treated in a timely manner on March 22, 2013 and/or March 25, 2013.

51. That in addition the undiagnosed ectopic pregnancy and additional surgical procedures, JASMINE experienced pain, suffering, discomfort, humiliation, disability,

prolonged rehabilitation, fear, shock, residual scarring, additional medical care and treatment, additional hospitalization, loss of enjoyment of life, and economic loss.

52. That had the Defendants complied with the standard of care, JASMINE would not have suffered said damages.

WHEREFORE, Plaintiff JASMINE VAUGHN, by and through counsel, WORSHAM & VICTOR, P.C., respectfully requests that this Honorable Court enter judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, which the trier of fact determines the Plaintiff has suffered, together with costs, fees and interest so wrongfully sustained.

COUNT IV
MICHAEL ROTH, M.D.
[NEGLIGENCE]

53. That the Plaintiff, by and through counsel, WORSHAM & VICTOR, P.C., hereby incorporate by reference all the allegations set forth in Count I - III as if fully set forth herein.

54. That the Defendant, DR. ROTH, owed a duty to the Plaintiff JASMINE, as a licensed physician in the State of Michigan, by reason of physician-patient relationship, and that said duty was breached by deviations from the standard of practice of medicine, which said breaches of duty include by way of illustration and not limitation, the following:

- a. by failing to test the patient for pregnancy;
- b. by failing to perform an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;
- c. by failing to perform serial Beta HCG testing;

- d. by failing to monitor the patient if no intrauterine pregnancy was found on the ultra sound;
- e. by failing to interpret the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- f. by failing to properly diagnose the ectopic pregnancy;
- g. by failing to timely treat the ectopic pregnancy medically or through tube saving surgery; and
- h. by failing to timely provide the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.

55. That due to the negligence and breaches of the standard of care by the DEFENDANTS, JASMINE'S ectopic pregnancy went undiagnosed and untreated.

56. That the lack of appropriate medical and/or surgical care for JASMINE'S ectopic pregnancy resulted in the ectopic pregnancy rupturing the right fallopian tube.

57. That as a result of that rupture, JASMINE developed severe complications that required emergency surgery, loss of her right fallopian tube, possible infertility, and considerable medical expense.

58. That each of these problems, to a reasonable degree of medical certainty, would have been avoided had the ectopic pregnancy been diagnosed and treated in a timely manner on March 22, 2013 and/or March 25, 2013.


59. That in addition the undiagnosed ectopic pregnancy and additional surgical procedures, JASMINE experienced pain, suffering, discomfort, humiliation, disability, prolonged rehabilitation, fear, shock, residual scarring, additional medical care and treatment, additional hospitalization, loss of enjoyment of life, and economic loss.

60. That had the Defendants complied with the standard of care, JASMINE would not have suffered said damages.

WHEREFORE, Plaintiff JASMINE VAUGHN, by and through counsel, WORSHAM & VICTOR, P.C., respectfully requests that this Honorable Court enter judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, which the trier of fact determines the Plaintiff has suffered, together with costs, fees and interest so wrongfully sustained.

Respectfully submitted:

WORSHAM & VICTOR, P.C.

BY: 
HOWARD J. VICTOR (P27811)
SARAH H. LUCHSINGER (P76804)
Attorney for Plaintiffs
30445 Northwestern Highway
Suite 210
Farmington Hills, MI 48334
(248) 737-9101

Dated: February 11, 2015

DEMAND FOR JURY TRIAL

Plaintiff JASMINE VAUGHN, by and through counsel, WORSHAM & VICTOR, P.C., hereby demands a trial by jury on all issues so triable herein.

Respectfully submitted:

WORSHAM & VICTOR, P.C.

BY: Howard J. Victor
HOWARD J. VICTOR (P27811)
SARAH H. LUCHSINGER (P76804)
Attorney for Plaintiffs
30445 Northwestern Highway
Suite 210
Farmington Hills, MI 48334
(248) 737-9101

Dated: February 11, 2015

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Vaughn, owed a duty to perform serial Beta HCG testing;

- D. The standard of care required that **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to monitor the patient if no intrauterine pregnancy was found on the ultra sound;
- E. The standard of care required that **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to interpret the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- F. The standard of care required that **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to properly diagnose the ectopic pregnancy;
- G. The standard of care required that **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to timely treat the ectopic pregnancy medically or through tube saving surgery; and
- H. The standard of care required that **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to timely provide the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.

2. **Michael Roth, M.D.**

- A. The standard of care required that **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to test the patient for pregnancy;

- B. The standard of care required that **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to perform an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;
- C. The standard of care required that **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to perform serial Beta HCG testing;
- D. The standard of care required that **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to monitor the patient if no intrauterine pregnancy was found on the ultra sound;
- E. The standard of care required that **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to interpret the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- F. The standard of care required that **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to properly diagnose the ectopic pregnancy;
- G. The standard of care required that **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to timely treat the ectopic pregnancy medically or through tube saving surgery; and
- H. The standard of care required that **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, owed a duty to timely provide the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.

3. ***Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic***

- A. The standard of care required that **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, owed a duty to test the patient for pregnancy;
- B. The standard of care required that **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, owed a duty to perform an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;
- C. The standard of care required that **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, owed a duty to perform serial Beta HCG testing;
- D. The standard of care required that **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, owed a duty to monitor the patient if no intrauterine pregnancy was found on the ultra sound;
- E. The standard of care required that **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, owed a duty to interpret the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- F. The standard of care required that **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine

Vaughn, owed a duty to properly diagnose the ectopic pregnancy;

- G. The standard of care required that **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, owed a duty to timely treat the ectopic pregnancy medically or through tube saving surgery; and
- H. The standard of care required that **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, owed a duty to timely provide the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.

THE MANNER IN WHICH IT IS CLAIMED THAT THE APPLICABLE STANDARD OF PRACTICE OR CARE WAS BREACHED:

1. Angel Ojeda, M.D.

- A. **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to test the patient for pregnancy;
- B. **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to perform an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;
- C. **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to perform serial Beta HCG testing;
- D. **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient

such as Jasmine Vaughn, breached the standard of care by failing to monitor the patient if no intrauterine pregnancy was found on the ultra sound;

- E. **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to interpret the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- F. **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to properly diagnose the ectopic pregnancy;
- G. **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to timely treat the ectopic pregnancy medically or through tube saving surgery; and
- H. **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to timely provide the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.

2. ***Michael Roth, M.D.***

- A. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to test the patient for pregnancy;
- B. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to perform an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;

- C. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to perform serial Beta HCG testing;
 - D. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to monitor the patient if no intrauterine pregnancy was found on the ultra sound;
 - E. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to interpret the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
 - F. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to properly diagnose the ectopic pregnancy;
 - G. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to timely treat the ectopic pregnancy medically or through tube saving surgery; and
 - H. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to timely provide the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.
3. ***Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic***
- A. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to test the patient for pregnancy;

- B. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to perform an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;
- C. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to perform serial Beta HCG testing;
- D. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to monitor the patient if no intrauterine pregnancy was found on the ultra sound;
- E. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to interpret the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- F. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to properly diagnose the ectopic pregnancy;
- G. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, breached the standard of care by failing to timely treat the ectopic pregnancy medically or through tube saving surgery; and
- H. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, breached the standard of care by

failing to timely provide the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.

THE ACTION WHICH SHOULD HAVE BEEN TAKEN IN ORDER TO ACHIEVE COMPLIANCE WITH THE STATUTE:

1. *Angel Ojeda, M.D.*

- A. Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have tested the patient for pregnancy;
- B. Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have performed an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;
- C. Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have performed serial Beta HCG testing;
- D. Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have monitored the patient if no intrauterine pregnancy was found on the ultra sound;
- E. Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have interpreted the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- F. Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have properly diagnosed the ectopic pregnancy;

- G. **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have timely treated the ectopic pregnancy medically or through tube saving surgery; and
- H. **Angel Ojeda, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have timely provided the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.

2. ***Michael Roth, M.D.***

- A. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have tested the patient for pregnancy;
- B. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have performed an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;
- C. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have performed serial Beta HCG testing;
- D. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have monitored the patient if no intrauterine pregnancy was found on the ultra sound;
- E. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have interpreted the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- F. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient

such as Jasmine Vaughn, should have properly diagnosed the ectopic pregnancy;

- G. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have timely treated the ectopic pregnancy medically or through tube saving surgery; and
- H. **Michael Roth, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Jasmine Vaughn, should have timely provided the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.

3. ***Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic***

- A. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, should have tested the patient for pregnancy;
- B. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, should have performed an ultra sound to establish whether or not the pregnancy is a uterine pregnancy or ectopic;
- C. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, should have performed serial Beta HCG testing;
- D. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, should have monitored the patient if no intrauterine pregnancy was found on the ultra sound;

- E. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, should have interpreted the ultra sound images that were taken on March 22nd and March 25th as showing no pregnancy within the uterus;
- F. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, should have properly diagnosed the ectopic pregnancy;
- G. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, should have timely treated the ectopic pregnancy medically or through tube saving surgery; and
- H. **Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, a health care provider, via its agents and employees, when presented with a patient such as Jasmine Vaughn, should have timely provided the appropriate follow up care and treatment for Jasmine Vaughn based on the information that was or should have been available.

THE MANNER IN WHICH THE BREACH OF THE STANDARD OF PRACTICE OR CARE WAS THE PROXIMATE CAUSE OF INJURY:

Due to the negligence and breaches of the standard of care by **Angel Ojeda, M.D., Michael Roth, M.D., and Angel Ojeda, M.D., P.C. d/b/a Eastland Women's Clinic**, Jasmine Vaughn's ectopic pregnancy went undiagnosed and untreated. The lack of appropriate medical and/or surgical care for her ectopic pregnancy resulted in the ectopic pregnancy rupturing the right fallopian tube. As a result of that rupture, Jasmine developed severe complications that required emergency surgery, loss of her right fallopian tube, possible infertility, and considerable medical expense. Each of these problems, to a reasonable degree of medical certainty, would have been avoided had the ectopic pregnancy been diagnosed and treated in a timely manner on March 22nd and/or March 25th.

In addition the undiagnosed ectopic pregnancy and additional surgical procedures, Jasmine Vaughn experienced pain, suffering, discomfort, humiliation, disability, prolonged rehabilitation, fear, shock, residual scarring, additional medical care and treatment, additional hospitalization, , loss of enjoyment of life, and economic loss.

THIS AFFIDAVIT OF MERIT IS BASED UPON INFORMATION WHICH HAS BEEN PRESENTLY REVIEWED AND IS SUBJECT TO CHANGE OR MODIFICATION UPON RECEIPT OF ADDITIONAL OR FURTHER INFORMATION.



FRED DUBOE, M.D.
Board Certified, Obstetrics & Gynecology

Subscribed and sworn to before me
on this 29th day of JANUARY, 2015

Cathleen Sacomano
Notary Public, _____ County, _____
My commission expires: 6/5/17
Acting in COOK County, _____

