

State of Michigan; and that at all times relevant hereto, and for many years past, said Defendant has been engaged in the operation of said hospital, pursuant to MCLA 331.442, MCLA 333.20141 and 333.21513, where persons afflicted with illness and disease and given care and treatment for a consideration.

12. That at all times pertinent hereto, Defendant, SINAI HOSPITAL, represented and held out to the public and, in particular, to Plaintiff, that said hospital was equipped, qualified and prepared to receive the public and, in particular, Plaintiff, LYNNE STAUFFER, for treatment and care and that it employed and maintained on its staff skilled and competent physicians, surgeons, anesthesiologists, obstetricians, gynecologists, residents, interns, nurses and, in general, competent help and otherwise in the conduct and operation of said hospital.

13. That at all times pertinent hereto, Defendant, MICHAEL HERTZ, M.D., was the apparent, ostensible, implied and/or express agent of and/or was employed by Defendant, SINAI HOSPITAL, and was acting with the course and scope of said employment and/or agency when the acts of negligence and malpractice, hereinafter set forth and described were committed, thereby imposing vicarious liability upon Defendant, SINAI HOSPITAL, by reason of the doctrine of Respondeat Superior.

14. That in addition to the acts of negligence and/or malpractice hereinafter set forth and described, for which Defendant, SINAI HOSPITAL, is vicariously liable, Plaintiffs assert that said Defendant was guilty of active and/or passive negligence and/or malpractice by the reason of the acts of Defendant, MICHAEL HERTZ, M.D., as well as and including the acts and/or failure to act on the part of all

hospital personnel and ancillary personnel on or about September 3, 1980.

15. That Defendant, SINAI HOSPITAL, is responsible for the operation of its hospital, the selection of the medical staff and for the quality of care rendered in said hospital pursuant to MCLA 331.422, MCLA 333.20241 and 333.21513.

16. That Defendant, SINAI HOSPITAL, owed the Plaintiff the duty to provide Plaintiff with physicians, professional nursing, technical and support personnel, and the technical, diagnostic and treatment services and equipment necessary to assure the safe performance of the health care undertaken by or in its facility, pursuant to MCLA 333.20141.

17. That on or about September 3, 1980, Plaintiff, LYNNE STAUFFER, did deliver and submit herself to Defendant, SINAI HOSPITAL, as a patient for the purpose of gynecological care, and did then and there, impliedly and/or expressly, hire and employ, Defendant, MICHAEL HERTZ, M.D., to do that which was proper and necessary in the premises, in accordance with the prevailing standards of hospitals and in accordance with the standards of physicians throughout the nation, and that said Defendants did, then and there, impliedly and/or expressly, represent to use due, reasonable and proper skill in the care and treatment of Plaintiff, LYNNE STAUFFER, in accordance with the standards then prevailing throughout the nation.

18. That at all times pertinent hereto, Defendant, SINAI HOSPITAL, by and through its duly authorized agents, servants and/or employees, undertook to examine, diagnose, treat, attend and care for Plaintiff, LYNNE STAUFFER.

19. That Defendant, SINAI HOSPITAL, by and through its duly authorized agents, servants and/or employees, had the

duty to provide Plaintiff, LYNNE STAUFFER, with the services of competent, qualified and licensed staff of physicians, surgeons, anesthesiologists, obstetricians, gynecologists, residents, interns, nurses and other employees to properly diagnose her condition, to render competent advice and assistance in the care and treatment of her case, and to render the same in accordance with the prevailing standards.

20. That the above referred to individuals were, at all times hereinbefore and hereinafter mentioned, directly employed by Defendant hospital and/or were acting as the apparent, ostensible or implied agents of said hospital.

21. That the above referred to individuals were, at all times hereinbefore and hereinafter mentioned, directly employed by the Defendant, MICHAEL HERTZ, M.D., P.C. and Defendant, SINAI HOSPITAL, by and through their duly authorized agents, servants and/or employees; and Defendant, MICHAEL HERTZ, M.D., in disregard of their duties and obligations to Plaintiff and at variance with the prevailing standards, were guilty of negligence and malpractice in the following particulars:

- (a) Employing physicians, surgeons, nurses and other personnel who were unskilled, incompetent and unfit for such employment and in permitting them to attend, advise, diagnose and treat Plaintiff, LYNNE STAUFFER;
- (b) Failing and neglecting to provide and furnish Plaintiff, LYNNE STAUFFER, with the proper and necessary medical care and treatment for which she had contracted;
- (c) Failing and neglecting to timely diagnose and properly treat Plaintiff's severe dysplasia of the cervix, all of which could and should have been accomplished;
- (d) Negligently and improperly performing a fractional D & C and conization upon Plaintiff, LYNNE STAUFFER, all of which could and should have been avoided;

- (e) Negligently and improperly removing a portion of Plaintiff's cervix, all of which could and should have been avoided.

22. That the acts and/or omissions constituting negligence and/or malpractice of the Defendants, and each of them as hereinbefore alleged, directly and proximately caused and/or contributed to Plaintiff's severe and grievous injuries, including but not limited to: difficulty maintaining a full term pregnancy; the necessity of full bed rest, and no activity during her current pregnancy.


23. That the acts and/or omissions constituting negligence and/or malpractice of the Defendants, and each of them, as hereinbefore alleged, directly and proximately caused and/or contributed to the deprivation of Plaintiff's normal enjoyments of life as well as and including, but not limited to, pain, suffering, humiliation, embarrassment, loss of wages, diminution of earning capacity, mental and emotional anguish and anxiety. All of these conditions are consequences of Defendants negligence and malpractice, and are permanent and will continue indefinitely in the future.

24. That the acts and/or omissions constituting negligence and/or malpractice of the Defendants, and each of them, as hereinbefore alleged, directly and proximately caused and/or contributed to Plaintiff's expenses including, but not limited to, expenditures for extensive medical care and treatment, hospitalization, physicians, therapists, nurses, hospitals, appliances, medicinal substances and other items. All of these expenditures became necessary totally or partially as a consequence of the Defendants' negligence and malpractice and Plaintiff's condition which requires these expenditures is permanent in nature and will continue indefinitely into the

future thus requiring Plaintiff to expend some more sums and incur some more obligations.

WHEREFORE, Plaintiff, LYNNE STAUFFER, claims judgment against the Defendants, MICHAEL HERTZ, M.D., MICHAEL HERTZ, M.D., P.C., a Michigan Corporation, and SINAI HOSPITAL, a Michigan Corporation, Jointly and Severally, for whatever amount said Plaintiff is found to be entitled, as determined by the trier of fact, together with interest, costs and attorneys fees.

DEMAND FOR TRIAL BY JURY IS HEREBY MADE.


LYNNE STAUFFER
In Pro Per
16199 Beverly Road
Birmingham, Michigan
(313) 644-5149

Dated: July 6, 1989

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