

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

6902

JURY FEE PAID
THIS DATE JUL 10 1989
BY:

LYNNE STAUFFER,

Plaintiff,

vs.

MICHAEL HERTZ, M.D.,
MICHAEL HERTZ, M.D., P.C.,
a Michigan Corporation and
SINAI HOSPITAL OF DETROIT,
a Michigan Corporation,
Jointly and Severally,

Defendants.

89-916902 NH 7/10/89
JUDGE: HARRY J. DINGEMAN JR
STAUFFER LYNNE
VS
HERTZ MICHAEL MD

Lynne Stauffer
In Pro Per
16199 Beverly Road
Birmingham, Michigan
(313) 644-5149

48009

COMPLAINT AND DEMAND FOR TRIAL BY JURY

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.

Lynne Stauffer

COMPLAINT AND DEMAND FOR TRIAL BY JURY

NOW COMES LYNNE STAUFFER, Plaintiff herein, In Pro Per, and complaining against the above named Defendants, states:

COUNT I

1. That at all times pertinent hereto, Plaintiff, LYNNE STAUFFER, was and still is a resident of the County of Oakland, State of Michigan.

2. That the amount in controversy in this cause exceeds Ten Thousand (\$10,000.00) Dollars, exclusive of

interest and costs, and this cause is otherwise within the jurisdiction of this Court.

3. That at all times pertinent hereto, Defendant, MICHAEL HERTZ, M.D., was engaged in the practice of his profession in the City of Detroit, County of Wayne, State of Michigan, and held himself out to the public and in particular, to Plaintiff, LYNNE STAUFFER, as a skilled and competent medical doctor, specializing in the field of obstetrics/gynecology, and capable of properly and skillfully treating, caring for and curing individuals seeking his services.

4. That Defendant, MICHAEL HERTZ, M.D., owed Plaintiff, LYNNE STAUFFER, the duty to possess that reasonable degree of learning and skill that is ordinarily possessed by physicians specializing in obstetrics/gynecology throughout the nation and to use reasonable care and diligence in exercise of his skill and application of his learning in the care and treatment of Plaintiff, LYNNE STAUFFER, in accordance with the standards prevailing throughout the nation.

5. That at all times pertinent hereto, Defendant, MICHAEL HERTZ, M.D., undertook to examine, diagnose, treat, attend and care for Plaintiff, LYNNE STAUFFER.

6. That at all times pertinent hereto, Defendant, MICHAEL HERTZ, M.D., P.C., was a Michigan Professional Corporation, duly organized and existing under and by virtue of the laws of the State of Michigan, and doing business in the City of Detroit, County of Wayne.

7. 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, MICHAEL HERTZ, M.D., P.C., and was acting in the course and scope of said employment and/or agency when acts of negligence

and malpractice hereinafter set forth and described, were committed, thereby imposing vicarious liability upon Defendant, MICHAEL HERTZ, M.D., P.C., by reason of the doctrine of Respondeat Superior.

8. That on or about September 3, 1980, Plaintiff, LYNNE STAUFFER, impliedly and/or expressly, hired and employed said Defendant, its agents, servants and/or employees to do that which was proper and necessary in the premises, and in accordance with the prevailing standards, and said Defendant, by and through its agents, servants and/or employees, 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 applicable standard of care.

9. That at all times pertinent hereto, Defendant, MICHAEL HERTZ, M.D., P.C., through its duly authorized agents, servants, and/or employees, undertook to examine, diagnose, treat, attend and care for the Plaintiff, LYNNE STAUFFER.

10. That Defendant, MICHAEL HERTZ, M.D., P.C., by and through its duly authorized agents, servants and/or employees, had the duty to provide Plaintiff, LYNNE STAUFFER, with the services of a competent, qualified and licensed staff of physicians, nurses, and other employees to properly diagnose her condition, render competent advice and assistance in the care and treatment of her case and to render same in accordance with the applicable standard of care.

11. That at all times relevant hereto, the Defendant, SINAI HOSPITAL, was a corporation duly organized and existing under and by virtue of the laws of the State of Michigan, and operated a hospital commonly known as SINAI HOSPITAL, located in the City of Detroit, County of Wayne,