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JURY FEE PAID
THIS DATE

STATE OF MICHIGAN

BY: JUL 07 1990

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GEORGETTE BAKER, as Guardian and
Conservator of the Estate of
NINA W. GASTON, a Legally
Incapacitated Person,

Plaintiff,

vs.

90-016792 NH 7/02/90
JDG: MICHAEL J. CONNOR
BAKER GEORGETTE ADM
VS
CHOI YOUL MD

YOUL CHOI, M.D., and YOUL
CHOI, M.D., P.C., A Michigan
Professional Corporation,
Jointly and Severally,

Defendants.

STANLEY S. SCHWARTZ (P20141)
RICHARD D. FOX (P26438)
Attorneys for Plaintiff
2000 Town Center, Ste. 900
Southfield, MI 48075
(313) 355-0300

COMPLAINT AND JURY DEMAND

There is now on file in this court a civil action
between these parties arising out of the same
transaction or occurrence as alleged in the Complaint.
The action is no longer pending; same being case number
88-812894 NO. The action was assigned to Judge Michael
J. Connor.

NOW COMES GEORGETTE BAKER, as Guardian and Conservator
of the Estate of NINA W. GASTON, a Legally Incapacitated Person,
Plaintiff herein, by and through her attorneys, SOMMERS,
SCHWARTZ, SILVER & SCHWARTZ, P.C., and complaining against the
above-named Defendants, states as follows:

1. That the Plaintiff is a resident of the County of
Wayne and State of Michigan.

its duly authorized agents, servants and/or employees had the duty to provide Plaintiff's Ward, NINA W. GASTON, with the services of a competent, qualified and licensed staff of physicians, surgeons, anesthesiologists, specialists, nurses, and other employees to properly diagnose her condition, render competent advice and assistance in the care and treatment of her condition and to render same in accordance with the applicable standard of care then prevailing.

13. That on or about January 2, 1988, Plaintiff's ward, NINA W. GASTON, did deliver and submit herself to the offices of Defendants, YOUL CHOI, M.D., and YOUL CHOI, M.D., P.C., a Michigan Professional Corporation, for the performance of a voluntary termination of her pregnancy, and Plaintiff's ward did then and there, impliedly and/or expressly, hire and employ the Defendants, YOUL CHOI, M.D., and YOUL CHOI, M.D., P.C., a Michigan Professional Corporation, by and through their duly authorized agents, servants and/or employees to do that which was proper and necessary in the premises in accordance with the standards of physicians then prevailing, 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's Ward, NINA W. GASTON, in accordance with the standards then prevailing throughout the nation.

14. That Defendants, YOUL CHOI, M.D., and YOUL CHOI, M.D., P.C., a Michigan Professional Corporation, and each of them, by and through their duly authorized agents, servants and/or employees, in disregard of their duties and obligations to

Plaintiff's Ward, NINA W. GASTON, and at variance to the applicable standards of care, were guilty of negligence and malpractice in the following particulars:

- (a) Employing physicians, surgeons, nurses, physician and medical assistants along with other personnel who were unskilled, unfit and incompetent for such employment and in permitting them to attend, advise, diagnose, treat and care for Plaintiff's ward, NINA W. GASTON;
- (b) Failing and neglecting to provide and furnish said Plaintiff's ward, NINA W. GASTON, with the proper and necessary care and treatment for which she had had contracted and sought medical advice, care and treatment;
- (c) Failing and neglecting to employ physicians, surgeons, nurses, physician and medical assistants along with other medical personnel who possessed that degree of skill and learning ordinarily possessed by such individuals;
- (d) Failing and neglecting to possess that degree of skill and learning ordinarily possessed by physicians and surgeons specializing in the field of obstetrics and gynecology;
- (e) Failing and neglecting to care for and treat Plaintiff's Ward, NINA W. GASTON, in accordance with the standard of care for physicians and surgeons specializing in the field of obstetrics and gynecology;
- (f) Failing and neglecting to render immediate and proper care and treatment to Plaintiff's Ward, NINA W. GASTON, so as to abate the existing condition and prevent same from worsening, all of which could and should have been accomplished;
- (g) Failing and neglecting to provide a safe environment to Plaintiff's ward, NINA W. GASTON, and to have the technical, diagnostic and support equipment and services necessary, for the performance of the surgical procedure for which she contracted, all of which could and should have been accomplished;
- (h) Failing and neglecting to take and record an

adequate history prior to the administration of anesthesia and commencement of the surgical procedure on Plaintiff's ward, all of which could and should have been accomplished;

- (i) Failing and neglecting to anticipate an emergency situation and to have the technical, diagnostic and support equipment and services necessary to cope with an emergency situation, all of which could and should have been accomplished;
- (j) Failing and neglecting to properly monitor the condition of Plaintiff's Ward, following the administration of a paracervical block and the commencement of the surgical procedure, all of which could and should have been accomplished;
- (k) Failing and neglecting to recognize that cardiac arrest can occur following the administration of local anesthesia* all of which could and should have been accomplished;
- (l) Failing and neglecting to employ nurses, technicians, therapists and other medical personnel who possessed a knowledge of cardiopulmonary resuscitation (CPR), all of which could and should have been accomplished;
- (m) Failing and neglecting to timely recognize Plaintiff Ward's respiratory arrest and immediately undertake efforts to adequately oxygenate her, all of which could and should have been accomplished;
- (n) Failing and neglecting to immediately recognize the cardiac arrest sustained by Plaintiff's ward and to immediately commence and continue CPR efforts following same, all of which could and should have been accomplished;
- (o) Failing and neglecting to continue CPR until the arrival of an EMS unit and/or other medical assistance, all of which could and should have been accomplished;
- (p) Failing and neglecting to implement advance cardiac life support measures in light of the deteriorating condition of Plaintiff's ward, all of which could and should have been accomplished;
- (q) Failing and neglecting to attempt to employ

intubation procedures and administer positive pressure oxygen, all of which could and should have been accomplished;

- (r) Failing and neglecting to intubate Plaintiff's ward following the cardiac arrest in order to provide ventilation, all of which could and should have been accomplished;
- (s) Failing and neglecting to recognize that appropriate, aggressive and timely treatment of Plaintiff ward's condition would have prevented the development of anoxic encephalopathy following cardiac arrest, all of which could and should have been accomplished;
- (t) Failing and neglecting to employ advanced life saving resuscitative measures in order to sustain life in progress, all of which could and should have been accomplished;
- (u) Negligently contributing to the deterioration of the condition of Plaintiff Ward, and her subsequent development of anoxic encephalopathy following a seizure and cardiac arrest, all of which could and should have been avoided;
- (v) Other acts of malpractice to be determined by way of discovery.

15. That the acts and/or omissions constituting negligence and/or malpractice of the Defendants, and each of them, by and through their duly authorized agents, servants and/or employees, as hereinbefore alleged, directly and proximately caused and/or contributed to the severe and grievous injuries that Plaintiff's ward, NINA W. GASTON, has sustained; these injuries include, but are not limited to, the development of anoxic encephalopathy following a cardiac arrest, causing severe and prolonged pain, prolonged hospitalizations and nursing home care due to her comatose state, restrictions of bodily

movements, psychological harm, trauma and loss of the natural enjoyments of life.

16. That as a further direct and proximate result of the negligence and malpractice of the Defendants, and each of them, by and through their duly authorized agents, servants and/or employees, as hereinbefore alleged, Plaintiff's ward, NINA W. GASTON, requires special care, attention, treatment, training and education, and said ward will for the remainder of her natural life be required to receive said special care, attention, treatment, education and training.

17. That as a further direct and proximate result of the negligence and malpractice of the Defendants, and each of them, by and through their duly authorized agents, servants and/or employees, as hereinbefore alleged, Plaintiff's ward, NINA W. GASTON, will be required to undergo medical care, surgical procedures, nursing home care and therapy in the future requiring Plaintiff, GEORGETTE BAKER, to incur expenses and obligations for medical expenses including, but not limited to, therapists, nurses, physicians, hospitals, medicinal substances and things for the care of her ward and said Plaintiff will in the future, be required to make similar expenditures and incur similar obligations so as to permit her ward to function and live to the extent that is now possible.

18. That as a further direct and proximate result of the negligence and malpractice of the Defendants, and each of them, by and through their duly authorized agents, servants and/or employees, as hereinbefore alleged, Plaintiff's ward, NINA

W. GASTON, has suffered a deprivation of the normal enjoyments of life as well and including, pain, suffering, total disability, disfigurement, humiliation, embarrassment, loss of earnings, diminution of her earning capacity, mental and emotional anguish and anxiety all of which will be present for the remainder of her life.

19. That all of the hereinbefore named conditions, developments, and sequelae are as a consequence of Defendants' negligence and malpractice and are permanent in nature.

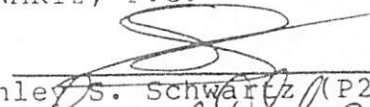
20. That Plaintiff's Ward, NINA GASTON, is and has been mentally incompetent since the date of this occurrence.

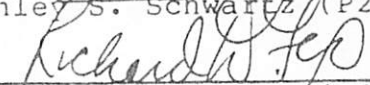
WHEREFORE, Plaintiff, GEORGETTE BAKER, as Guardian and Conservator of the Estate of NINA W. GASTON, a Legally Incapacitated Person, claims judgment against the Defendants, YOUL CHOI, M.D., and YOUL CHOI, M.D., P.C., a Michigan Professional Corporation, Jointly and Severally, for whatever amount said Plaintiff is found to be entitled, as determined by the trier of fact, together with interest, costs and attorney fees.

DEMAND FOR TRIAL BY JURY IS HEREBY MADE.

90-016792 NH 7/02/90
JUDGE: MICHAEL J. CONNOR
BAKER GEORGETTE ADM
VS
CHOI YOUL MD

SOMMERS, SCHWARTZ, SILVER &
SCHWARTZ, P.C.

By: 
Stanley S. Schwartz (P20141)


By: Richard D. Fox (P26438)
Attorneys for Plaintiff

Dated: July 2, 1990
I 90/12