

STATE OF MICHIGAN

6715  
JURY FEE PAID  
MAR 23 2009

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MICHELE BREECH, as Next Friend  
of KELVIN BREECH, a Minor,

Plaintiff,

VS.

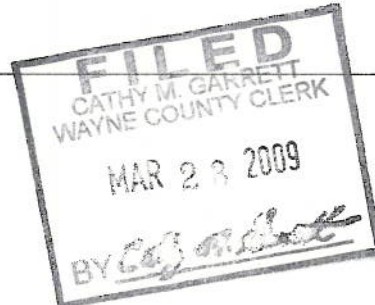
BREECH, MICHELE, As Next Friend,  
Hon. Isidore Torres 03/23/2009



LISA LYNN CARDWELL, M.D.,  
DMC PRIMARY CARE SERVICE II  
d/b/a NORTHWEST WOMEN'S CARE,  
KAROLINE PUDER, M.D.,  
GAGANDEEP BRAR, M.D.,  
KEY-CHYANG LIANG, M.D.  
SINAI HOSPITAL OF GREATER DETROIT  
D/B/A SINAI-GRACE HOSPITAL and  
THE DETROIT MEDICAL CENTER,  
Jointly and Severally,

Defendants.

BRIAN J. McKEEN (P34123)  
McKEEN & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
645 Griswold Street, Suite 4200  
Detroit, Michigan 48226  
(313) 961-4400



**COMPLAINT AND DEMAND FOR JURY TRIAL**

There is no other pending or resolved civil action arising out of the  
same transaction or occurrence as alleged in the complaint.

BRIAN J. McKEEN (P34123)

NOW COMES Plaintiff, Michele Breech, as Next Friend of Kelvin Breech, a Minor,  
by and through counsel, McKEEN & ASSOCIATES, P.C., and for her Complaint against  
the Defendants herein, states as follows:

McKeen & Associates, P.C. • 645 Griswold Street, Suite 4200 • Detroit, MI 48226 • (313) 961-4400

*Brian S. Oliver*

## GENERAL ALLEGATIONS

1. At all times relative hereto, Plaintiffs, Michele Breech and Kelvin Breech, a Minor, were residents of the City of Detroit, County of Wayne, State of Michigan.

2. Michele Breech, is the duly appointed Next Friend of Kelvin Breech, a Minor.

3. At all times relevant, hereto, Lisa Lynn Cardwell, M.D., was a duly licensed and practicing physician, specializing in Obstetrics and Gynecology, providing medical services in the City of Detroit, County of Wayne, State of Michigan, and was an actual and/or ostensible agent, servant and/or employee of Defendants DMC Primary Care Services II d/b/a Northwest Women's Care and/or Sinai Hospital of Greater Detroit d/b/a Sinai-Grace Hospital and/or The Detroit Medical Center.

4. At all times relevant, hereto, Karoline Puder, M.D., was a duly licensed and practicing physician, specializing in Maternal-Fetal Medicine, providing medical services in the City of Detroit, County of Wayne, State of Michigan, and was an actual and/or ostensible agent, servant and/or employee of Defendants Sinai Hospital of Greater Detroit d/b/a Sinai-Grace Hospital and/or The Detroit Medical Center.

5. At all times relevant, hereto, Karoline Puder, M.D., was a duly licensed and practicing physician, specializing in Maternal/Fetal Medicine, providing medical services in the City of Detroit, County of Wayne, State of Michigan, and was an actual and/or ostensible agent, servant and/or employee of Defendants Sinai Hospital of Greater Detroit d/b/a Sinai-Grace Hospital and/or The Detroit Medical Center.

6. At all times relevant, hereto, Gagandeep Brar, M.D., was a duly licensed and practicing physician, specializing in Neonatal-Perinatal Medicine, providing medical services in the City of Detroit, County of Wayne, State of Michigan, and was an actual

and/or ostensible agent, servant and/or employee of Defendants Sinai Hospital of Greater Detroit d/b/a Sinai-Grace Hospital and/or The Detroit Medical Center.

7. At all times relevant, hereto, Keh-Chyang Liang, M.D., was a duly licensed and practicing physician, specializing in Neonatal-Perinatal Medicine, providing medical services in the City of Detroit, County of Wayne, State of Michigan, and was an actual and/or ostensible agent, servant and/or employee of Defendants, Sinai Hospital of Greater Detroit d/b/a Sinai-Grace Hospital and/or The Detroit Medical Center.

8. At all times relevant hereto, Northwest Women's Care, an assumed name for DMC Primary Care Services II (hereinafter referred to as "Northwest Women's Care"), a Michigan Non-profit Corporation, was a duly licensed and accredited health care institution doing business in the City of Detroit, County of Wayne, State of Michigan.

9. At all times relevant hereto, Northwest Women's Care, was the employer and/or ostensible principal for Defendant, Lisa Lynn Cardwell, M.D., and is thus vicariously liable for their negligent acts and/or omissions.

10. At all times relevant hereto, Sinai-Grace Hospital, an assumed name for Sinai Hospital of Greater Detroit (hereinafter referred to as Sinai-Grace Hospital) , a Michigan Non-profit Corporation, was a duly licensed and accredited health care institution doing business in the City of Detroit, County of Wayne, State of Michigan.

11. At all times relevant hereto, Sinai-Grace Hospital was the employer and/or ostensible principal for Defendants Lisa Lynn Cardwell, M.D., Karoline Puder, M.D., Gagandeep Brar, M.D. and Keh-Chyang Liang, M.D., and is thus vicariously liable for their negligent acts and/or omissions.

12. At all times relevant hereto, The Detroit Medical Center, a Michigan Non-profit Corporation, was a duly licensed and accredited health care institution doing business in the City of Detroit, County of Wayne, State of Michigan.

13. At all times relevant hereto, the Detroit Medical Center was the employer and/or ostensible principal for Defendants Lisa Lynn Cardwell, M.D., Karoline Puder, M.D., Gagandeep Brar, M.D. and Keh-Chyang Liang, M.D., and is thus vicariously liable for their negligent acts and/or omissions.

14. Plaintiff's cause of action arose in the City of Detroit, County of Wayne, State of Michigan.

15. The amount in controversy exceeds Twenty-Five Thousand (\$25,000.00) Dollars and is otherwise within the jurisdiction of this court.

#### FACTUAL ALLEGATIONS

16 Michele Breech was twenty-eight years old when she became pregnant with Kelvin Breech. She began her prenatal care with Lisa Lynn Cardwell, M.D., on June 15, 2004.

17. On July 15, 2004, Michele Breech presented to The Detroit Medical Center (DMC) for an ultrasound to confirm dates and to rule out a threatened abortion due to complaints of vaginal bleeding. Karoline Puder, M.D. performed the ultrasound, confirming a single gestation of 10 2/7 weeks. She was given a due date of February 8, 2005.

18. On September 10, 2004, Michele Breech was sent for an ultrasound evaluation by Karoline Puder, M.D., in the Antenatal Diagnostic Unit at Sinai-Grace Hospital due to an abnormal ultrasound finding and an increased MSFAP. She also complained of vaginal bleeding and spotting for approximately ten days prior to the appointment. The ultrasound

showed a velamentous cord insertion with vasa previa. Lisa Lynn Cardwell, M.D., was made aware of the results of the ultrasound.

19. On November 16, 2004, at approximately 28 weeks gestation, a follow-up ultrasound again showed a vasa previa with velamentous insertion, as well as a shortened cervix of 21 mm. Lisa Lynn Cardwell, M.D., was notified of the results and Michele Breech was sent to Sinai-Grace Hospital in Detroit for further evaluation.

20. At approximately 1200 on November 16, 2004, Michele Breech presented to Sinai-Grace Hospital for further evaluation due to a shortened cervix and vasa previa. She was placed on a fetal monitor and was noted to be contracting. She was given Magnesium Sulfate and Betamethasone..

21. On November 18, 2004, Karoline Puder, M.D., was called in for a Maternal-Fetal-Medicine consultation and recommended that Michele Breech be discharged home on bed rest. She was discharged by Lisa Lynn Cardwell, M.D., that same day.

22. On December 21, 2004, at approximately 0600, Michele Breech's membranes spontaneously ruptured at home and she began bleeding heavily. She called the hospital en route to advise that she was on her way.

23. When Michele Breech arrived to Labor and Delivery Triage at Sinai-Grace Hospital, a large blood clot was noted. A bedside ultrasound was performed recording a fetal heart rate between 50 and 60 bpm. Michele was taken from Triage to the Operating Room by Dr. Patel at 0705 for a STAT c-section.

24. Kelvin Breech was delivered stillborn at 0714 at 33 weeks gestation. His apgar scores were 0 at one minute, 0 at five minutes, 0 at ten minutes, 3 at fifteen minutes and 3 at twenty minutes. He was described as pale, limp and without a pulse or respiratory effort. He was suctioned, bagged with oxygen and intubated. Epinephrine was given