

STATE OF MICHIGAN
IN THE 3rd CIRCUIT COURT FOR THE COUNTY OF WAYNE

BIANCA SOMERVILLE,

Plaintiff,

v.

Case No: 15-
Hon.

-NH

ALEX PICKENS, M.D.,
VHS SINAI-GRACE HOSPITAL, INC. d/b/a
SINAI-GRACE HOSPITAL,
REGINALD SHARPE, M.D., and
SUMMIT OF DETROIT, P.C. d/b/a
SUMMIT MEDICAL CENTER,
Jointly and Severally.

15-015344-NH

FILED IN MY OFFICE
WAYNE COUNTY CLERK
11/24/2015 11:07:29 AM
CATHY M. GARRETT

Defendants.

HERTZ SCHRAM PC
Steve J. Weiss (P32174)
Fallon Yaldo (P74412)
Amerique Philyaw (P79496)
Attorneys for Plaintiff
1760 S. Telegraph Road, Suite 300
Bloomfield Hills, MI 48302-0183
(248) 335-5000 / Fax: (248) 335-3346
sweiss@hertzschram.com

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.

/s/ Steve J. Weiss

STEVE J. WEISS (P32174)

COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, BIANCA SOMERVILLE, by and through attorneys,
HERTZ SCHRAM PC and for her Complaint against Defendants, states as follows:

COUNT I
[FACTUAL ALLEGATIONS]

1. Plaintiff, BIANCA SOMERVILLE [hereinafter known as "BIANCA"] is a resident of the city of Detroit, county of Wayne, and state of Michigan.
2. Defendant VHS SINAI-GRACE HOSPITAL, INC., d/b/a SINAI-GRACE HOSPITAL [hereinafter known as "SINAI-GRACE"] is a foreign profit corporation conducting business at 6071 West Outer Drive, Detroit, Michigan 48235.
3. SINAI-GRACE has as its registered agent, THE CORPORATION COMPANY, and registered address of 30600 Telegraph Rd., Bingham Farms, MI 48025.
4. Defendant ALEX PICKENS, M.D. [hereinafter known as "DR. PICKENS"] is a licensed physician in the state of Michigan.
5. DR. PICKENS was at all times relevant herein an employee and/or agent of SINAI-GRACE acting within the scope of same.
6. Defendant SUMMIT OF DETROIT, P.C., d/b/a SUMMIT MEDICAL CENTER [hereinafter known as "SUMMIT"] is a domestic professional service corporation conducting business at 15801 West McNichols, Detroit, Michigan 48235.
7. SUMMIT has as its registered agent, CSC-LAWYERS INCORPORATING SERVICE (COMPANY), and registered address of 601 Abbot Rd., East Lansing, MI 48223.
8. Defendant REGINALD SHARPE, M.D. [hereinafter known as "DR. SHARPE"] is a licensed physician in the state of Michigan.
9. DR. SHARPE was at all times relevant herein an employee and/or agent of SUMMIT acting within the scope of same.

10. Pursuant to MCL 600.2912b, Defendants were provided with the required Notice of Intent dated May 21, 2015.

11. The incident occurred in the city of Detroit, county of Wayne, and state of Michigan.

12. That venue is proper pursuant to MCL 600.1629.

13. The amount in controversy exceeds Twenty-five Thousand (\$25,000.00) Dollars.

14. At the time of these events, BIANCA was a twenty-three (23) year old woman.

15. BIANCA has been pregnant twice.

16. BIANCA'S first pregnancy resulted in the birth of her twin daughters on November 4, 2011, at Hutzel Hospital.

17. BIANCA realized she was pregnant again in early December 2014 after she started feeling nauseous and light-headed at work.

18. BIANCA went to the Emergency Room at Henry Ford Hospital where she was advised that she was pregnant.

19. BIANCA made the decision to voluntarily terminate the pregnancy.

20. BIANCA went to SUMMIT on December 22, 2014.

21. BIANCA filled out the paperwork.

22. BIANCA scheduled the abortion for the next day.

23. BIANCA arrived late to the clinic on December 23, 2014.

24. The clinic was unable to perform the procedure.

25. The procedure was rescheduled for the following week.

26. BIANCA had an appointment at SUMMIT on December 31, 2014, at 10:00 a.m.
27. BIANCA met DR. SHARPE, who gave her pills to take.
28. DR. SHARPE advised her to put them in her upper mouth and let them dissolve.
29. BIANCA then waited for an hour to have the procedure.
30. BIANCA indicated the pills had not completely dissolved prior to the procedure.
31. An ultrasound was performed and BIANCA was advised that she was approximately sixteen weeks pregnant.
32. Due to this, BIANCA was advised that the procedure may take longer and they needed to wait until the pills were fully dissolved.
33. Finally, BIANCA was prepped for the surgery.
34. DR. SHARPE and a nurse came into the room.
35. Another ultrasound was performed and DR. SHARPE gave her medication in her arm.
36. DR. SHARPE started the procedure.
37. BIANCA immediately felt excruciating pain and started crying and screaming.
38. Two nurses had to hold her legs up in the air so DR. SHARPE could continue the procedure.
39. DR. SHARPE stopped the procedure to let BIANCA rest because she was in so much pain.

40. BIANCA was in a lot of pain and was bleeding while she waited.
41. BIANCA requested pain medication before DR. SHARPE continued the procedure.
42. DR. SHARPE restarted the procedure by using a suction device which was still very painful.
43. BIANCA indicated that the doctor pulled something out and asked the nurse "is that it?"
44. DR. SHARPE then continued to try to get the remainder out but was unable to do so.
45. An employee at SUMMIT called EMS.
46. BIANCA was taken to SINAI-GRACE.
47. BIANCA was diagnosed with an incomplete abortion with retained products of conception.
48. BIANCA was advised that the procedure would be completed by a doctor at SINAI-GRACE.
49. DR. PICKENS was assigned to complete the abortion procedure.
50. BIANCA was taken for emergency surgery.
51. DR. PICKENS performed an examination under anesthesia, attempted dilation and evacuation, cystoscopy, diagnostic laparoscopy, exploratory laparotomy, repair of cystotomy by Urological team, repair of right round ligament laceration, hysterotomy and removal of retained products of conception.
52. BIANCA'S uterus was perforated.
53. BIANCA'S bladder was extensively injured.

54. It was discovered that BIANCA lost about two-thirds of her bladder during the procedure.

55. Jason Wynberg, M.D. performed a limited exploratory laparotomy, identified the bilateral uterus and then performed a primary closure of the bladder.

56. A Foley catheter was inserted along with stents placed in her kidneys.

57. The surgery took approximately five hours to complete.

58. After the surgery was completed, BIANCA was in the ICU on a ventilator for 7-10 days.

59. BIANCA'S condition stabilized and she was finally discharged on January 16, 2015.

60. BIANCA followed up with Dr. Weinberg.

61. On January 25, 2015, BIANCA had the stent removed but had to continue wearing the catheter.

62. BIANCA had tubes placed in her kidneys at SINAI-GRACE on February 3, 2015.

63. BIANCA'S bladder capacity is estimated in the 150 mL range.

64. BIANCA is still receiving medical care due to the injuries she sustained.

65. Due to the negligence and breaches of the standard of care by DR. PICKENS, SINAI-GRACE, DR. SHARPE, and SUMMIT, BIANCA'S abortion procedure was performed in a negligent manner, which resulted in a perforated uterus and ruptured bladder.

66. BIANCA required additional surgery, a Foley catheter, and stents placed into her kidneys.

67. In addition to the perforated uterus and ruptured bladder, BIANCA experienced pain, suffering, discomfort, humiliation, fear, shock, additional surgery, disfigurement, fright, residual scarring, additional medical care and treatment, hospitalization, depression, loss of enjoyment of life, lost wages, and other economic loss.

68. BIANCA has also suffered damage to her reproductive system.

69. Had DR. PICKENS, SINAI-GRACE, DR. SHARPE, and SUMMIT, complied with the standard of care, BIANCA would not have suffered said damages.

WHEREFORE Plaintiff, BIANCA SOMERVILLE, by and through counsel HERTZ SCHRAM PC, claims judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars plus costs, fees and interest.

COUNT II
[NEGLIGENCE]
ALEX PICKENS, M.D.

70. Plaintiff, by and through counsel, HERTZ SCHRAM, P.C., hereby incorporates by reference all the allegations set forth in Count I, as if fully set forth herein.

71. Defendant, DR. PICKENS, as a licensed physician in the State of Michigan, by reason of physician-patient relationship, owed a duty to BIANCA, 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 have the ability to meet the patient's needs;
- b. by failing to perform an abortion procedure in a safe and cautious manner;
- c. by failing to perform an abortion procedure with direct visualization;

- d. by failing to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- e. by failing to failing to perform an abortion procedure in a non-negligent manner;
- f. by failing to exercise due care while performing an abortion procedure; and
- g. by failing to provide the appropriate follow up care and treatment for BIANCA based on the information that was or should have been available.

72. Due to the negligence and breaches of the standard of care by DR. PICKENS, SINAI-GRACE, DR. SHARPE, and SUMMIT, BIANCA'S abortion procedure was performed in a negligent manner, which resulted in a perforated uterus and ruptured bladder.

73. BIANCA required additional surgery, a Foley catheter, and stents placed into her kidneys.

74. In addition to the perforated uterus and ruptured bladder, BIANCA experienced pain, suffering, discomfort, humiliation, fear, shock, additional surgery, disfigurement, fright, residual scarring, additional medical care and treatment, hospitalization, depression, loss of enjoyment of life, lost wages, and other economic loss.

75. BIANCA has also suffered damage to her reproductive system.

76. Had DR. PICKENS, SINAI-GRACE, DR. SHARPE, and SUMMIT, complied with the standard of care, BIANCA would not have suffered said damages.

WHEREFORE Plaintiff, BIANCA SOMERVILLE, by and through counsel HERTZ SCHRAM PC, claims judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars plus costs, fees and interest.

COUNT III
[NEGLIGENCE]
VHS SINAI-GRACE HOSPITAL, INC.
d/b/a SINAI-GRACE HOSPITAL

77. Plaintiff, by and through counsel, HERTZ SCHRAM, P.C., hereby incorporates by reference all the allegations set forth in Count I and II, as if fully set forth herein.

78. At all times relevant herein, DR. PICKENS was an employee, agent, ostensible agent, servant, officer and/or representative of Defendant SINAI-GRACE, acting within the scope of same

79. At all times relevant herein, Defendant SINAI-GRACE owed a duty to BIANCA as a health care provider, via it employees and agents, including but not limited to DR. PICKENS, 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 timely and properly select, train and monitor its employees, servants, agents, actual or ostensible, or its staff of physicians, to insure that they were competent;
- b. by failing to have the ability to meet the patient's needs;
- c. by failing to perform an abortion procedure in a safe and cautious manner;
- d. by failing to perform an abortion procedure with direct visualization;
- e. by failing to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- f. by failing to failing to perform an abortion procedure in a non-negligent manner;

- g. by failing to exercise due care while performing an abortion procedure; and
- h. by failing to provide the appropriate follow up care and treatment for BIANCA based on the information that was or should have been available.

80. Due to the negligence and breaches of the standard of care by DR. PICKENS, SINAI-GRACE, DR. SHARPE, and SUMMIT, BIANCA'S abortion procedure was performed in a negligent manner, which resulted in a perforated uterus and ruptured bladder.

81. BIANCA required additional surgery, a Foley catheter, and stents placed into her kidneys.

82. In addition to the perforated uterus and ruptured bladder, BIANCA experienced pain, suffering, discomfort, humiliation, fear, shock, additional surgery, disfigurement, fright, residual scarring, additional medical care and treatment, hospitalization, depression, loss of enjoyment of life, lost wages, and other economic loss.

83. BIANCA has also suffered damage to her reproductive system.

84. Had DR. PICKENS, SINAI-GRACE, DR. SHARPE, and SUMMIT, complied with the standard of care, BIANCA would not have suffered said damages.

WHEREFORE Plaintiff, BIANCA SOMERVILLE, by and through counsel HERTZ SCHRAM PC, claims judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars plus costs, fees and interest.

COUNT IV
[NEGLIGENCE]
REGINALD SHARPE, M.D.

85. Plaintiff, by and through counsel, HERTZ SCHRAM, P.C., hereby incorporates by reference all the allegations set forth in Count I, II, and III as if fully set forth herein.

86. Defendant, DR. SHARPE, as a licensed physician in the State of Michigan, by reason of physician-patient relationship, owed a duty to BIANCA, 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 have the ability to meet the patient's needs;
- b. by failing to perform an abortion procedure in a safe and cautious manner;
- c. by failing to perform an abortion procedure with direct visualization;
- d. by failing to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- e. by failing to failing to perform an abortion procedure in a non-negligent manner;
- f. by failing to exercise due care while performing an abortion procedure; and
- g. by failing to provide the appropriate follow up care and treatment for BIANCA based on the information that was or should have been available.

87. Due to the negligence and breaches of the standard of care by DR. PICKENS, SINAI-GRACE, DR. SHARPE, and SUMMIT, BIANCA'S abortion procedure

was performed in a negligent manner, which resulted in a perforated uterus and ruptured bladder.

88. BIANCA required additional surgery, a Foley catheter, and stents placed into her kidneys.

89. In addition to the perforated uterus and ruptured bladder, BIANCA experienced pain, suffering, discomfort, humiliation, fear, shock, additional surgery, disfigurement, fright, residual scarring, additional medical care and treatment, hospitalization, depression, loss of enjoyment of life, lost wages, and other economic loss

90. BIANCA has also suffered damage to her reproductive system.

91. Had DR. PICKENS, SINAI-GRACE, DR. SHARPE, and SUMMIT, complied with the standard of care, BIANCA would not have suffered said damages.

WHEREFORE Plaintiff, BIANCA SOMERVILLE, by and through counsel HERTZ SCHRAM PC, claims judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars plus costs, fees and interest.

COUNT V
[NEGLIGENCE]
SUMMIT OF DETROIT, P.C.
d/b/a SUMMIT MEDICAL CENTER

92. Plaintiff, by and through counsel HERTZ SCHRAM, P.C., hereby incorporates by reference all the allegations set forth in Count I, II, III, and IV as if fully set forth herein.

93. At all times relevant herein, DR. SHARPE was an employee, agent, ostensible agent, servant, officer and/or representative of Defendant SUMMIT, acting within the scope of same.

94. At all times relevant herein, Defendant SUMMIT owed a duty to BIANCA as a health care provider, via its employees and agents, including but not limited to DR. SHARPE, 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 timely and properly select, train and monitor its employees, servants, agents, actual or ostensible, or its staff of physicians, to insure that they were competent;
- b. by failing to have the ability to meet the patient's needs;
- c. by failing to perform an abortion procedure in a safe and cautious manner;
- d. by failing to perform an abortion procedure with direct visualization;
- e. by failing to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- f. by failing to failing to perform an abortion procedure in a non-negligent manner;
- g. by failing to exercise due care while performing an abortion procedure; and
- h. by failing to provide the appropriate follow up care and treatment for BIANCA based on the information that was or should have been available.

95. Due to the negligence and breaches of the standard of care by DR. PICKENS, SINAI-GRACE, DR. SHARPE, and SUMMIT, BIANCA'S abortion procedure was performed in a negligent manner, which resulted in a perforated uterus and ruptured bladder.

96. BIANCA required additional surgery, a Foley catheter, and stents placed into her kidneys.

97. In addition to the perforated uterus and ruptured bladder, BIANCA experienced pain, suffering, discomfort, humiliation, fear, shock, additional surgery, disfigurement, fright, residual scarring, additional medical care and treatment, hospitalization, depression, loss of enjoyment of life, lost wages, and other economic loss.

98. BIANCA has also suffered damage to her reproductive system.

99. Had DR. PICKENS, SINAI-GRACE, DR. SHARPE, and SUMMIT, complied with the standard of care, BIANCA would not have suffered said damages.

WHEREFORE Plaintiff, BIANCA SOMERVILLE, by and through counsel HERTZ SCHRAM PC, claims judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars plus costs, fees and interest.

Respectfully submitted:
HERTZ SCHRAM PC

/s/Steve J. Weiss

Steve J. Weiss (P32174)
Fallon Yaldo (P74412)
Amerique Philyaw (P79496)
Attorneys for Plaintiff
1760 S. Telegraph Road, Suite 300
Bloomfield Hills, MI 48302-0183
(248) 335-5000 / Fax: (248) 335-3346
sweiss@hertzschram.com

Dated: November 24, 2015

DEMAND FOR TRIAL BY JURY

NOW COMES, Plaintiff, BIANCA SOMERVILLE, by and through counsel, HERTZ SCHRAM PC, hereby demands trial by jury in the within cause.

Respectfully submitted:
HERTZ SCHRAM PC
Fallon Yaldo (P74412)
Amerique Philyaw (P79496)

/s/Steve J. Weiss

Steve J. Weiss (P32174)

Attorneys for Plaintiff
1760 S. Telegraph Road, Suite 300
Bloomfield Hills, Michigan 48302
(248) 335-5000 / Fax: (248) 335-3346
sweiss@hertzschram.com

Dated: November 24, 2015

EXHIBIT 1

AFFIDAVIT OF MERIT

**IN RE: THE MEDICAL MALPRACTICE CLAIM OF
BIANCA SOMERVILLE**

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I, RONALD ZACK, M.D., being first duly sworn, depose and state as follows:

1. That I am a Board Certified physician in Obstetrics and Gynecology.
2. That I have reviewed the Notice of Intent to File a Claim prepared by the law firm of WORSHAM & VICTOR, P.C., on behalf of BIANCA SOMERVILLE.
3. That I have reviewed all of the medical records supplied to me by the law firm of WORSHAM & VICTOR, P.C., in connection with the allegations set forth in the Notice of Intent to File a Claim.
4. That I have formed the following opinions with regard to the Medical Malpractice Claim of BIANCA SOMERVILLE.

THE APPLICABLE STANDARD OF PRACTICE OR CARE:

1. **Alex Pickens, M.D.**
 - A. The standard of care required that **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to have the ability to meet the patient's needs;
 - B. The standard of care required that **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure in a safe and cautions manner;
 - C. The standard of care required that **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as

Bianca Somerville, owed a duty to perform an abortion procedure with direct visualization;

- D. The standard of care required that **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- E. The standard of care required that **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure in a non-negligent manner;
- F. The standard of care required that **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to exercise due care while performing an abortion procedure; and
- G. The standard of care required that **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to timely provide the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

2. ***Sinai-Grace Hospital***

- A. The standard of care required that **Sinai-Grace Hospital**, a health care provider, owed a duty to timely and properly select, train and monitor its employees, servants, agents, actual or ostensible, or its staff of physicians, to insure that they were competent;
- B. The standard of care required that **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to have the ability to meet the patient's needs;

- C. The standard of care required that **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure with direct visualization;
- D. The standard of care required that **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure in a safe and cautious manner;
- E. The standard of care required that **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- F. The standard of care required **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure in a non-negligent manner;
- G. The standard of care required that **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to exercise due care while performing an abortion procedure; and
- H. The standard of care required that **Sinai Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to timely provide the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

3. ***Reginald Sharpe, M.D.***

- A. The standard of care required that **Reginald Sharpe, M.D.**, as a reasonable and prudent

4. ***Summit Medical Center***

- A. The standard of care required that **Summit Medical Center**, a health care provider, owed a duty to timely and properly select, train and monitor its employees, servants, agents, actual or ostensible, or its staff of physicians, to insure that they were competent;
- B. The standard of care required that **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to have the ability to meet the patient's needs;
- C. The standard of care required that **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure with direct visualization;
- D. The standard of care required that **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure in a safe and cautious manner;
- E. The standard of care required that **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- F. The standard of care required **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure in a non-negligent manner;
- G. The standard of care required that **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as

licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to have the ability to meet the patient's needs;

- B. The standard of care required that **Reginald Sharpe, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure in a safe and cautious manner;
- C. The standard of care required that **Reginald Sharpe, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure with direct visualization;
- D. The standard of care required that **Reginald Sharpe, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- E. The standard of care required that **Reginald Sharpe, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to perform an abortion procedure in a non-negligent manner;
- F. The standard of care required that **Reginald Sharpe, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to exercise due care while performing an abortion procedure; and
- G. The standard of care required that **Reginald Sharpe, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, owed a duty to timely provide the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

Bianca Somerville, owed a duty to exercise due care while performing an abortion procedure; and

- H. The standard of care required that **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, owed a duty to timely provide the appropriate follow up care and treatment for Bianca Somerville 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. *Alex Pickens, M.D.*

- A. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to have the ability to meet the patient's needs;
- B. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to perform an abortion procedure in a safe and cautious manner.
- C. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to perform an abortion procedure with direct visualization;
- D. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- E. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard

of care by failing to perform an abortion procedure in a non-negligent manner;

- F. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to exercise due care while performing an abortion procedure; and
- G. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to timely provide the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

2. ***Sinai-Grace Hospital***

- A. **Sinai-Grace Hospital**, a health care provider, breached the standard of care by failing to timely and properly select, train and monitor its employees, servants, agents, actual or ostensible, or its staff of physicians, to insure that they were competent;
- B. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to have the ability to meet the patient's needs;
- C. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to perform an abortion procedure with direct visualization;
- D. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to perform an abortion procedure in a safe and cautious manner;
- E. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a

patient such as Bianca Somerville, breached the standard of care by failing to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;

- F. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to perform an abortion procedure in a non-negligent manner;
- G. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to exercise due care while performing an abortion procedure; and
- H. **Sinai Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to timely provide the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

3. ***Reginald Sharpe, M.D.***

- A. **Reginald Sharpe, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to have the ability to meet the patient's needs;
- B. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to perform an abortion procedure in a safe and cautions manner;
- C. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to use proper perform an abortion procedure with direct visualization;

- D. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville breached the standard of care by failing to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- E. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to perform an abortion procedure in a non-negligent manner;
- F. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to exercise due care while performing an abortion procedure; and
- G. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to timely provide the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

4. ***Summit Medical Center***

- A. **Summit Medical Center**, a health care provider, breached the standard of care by failing to timely and properly select, train and monitor its employees, servants, agents, actual or ostensible, or its staff of physicians, to insure that they were competent;
- B. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to have the ability to meet the patient's needs;
- C. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the

standard of care by failing to perform an abortion procedure with direct visualization;

- D. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to perform an abortion procedure in a safe and cautious manner;
- E. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to use proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- F. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to perform an abortion procedure in a non-negligent manner;
- G. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, breached the standard of care by failing to exercise due care while performing an abortion procedure; and
- H. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville breached the standard of care by failing to timely provide the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

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

1. *Alex Pickens, M.D.*

- A. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville should have had the ability to meet the patient's needs;

- B. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure in a safe and cautious manner;
- C. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure with direct visualization;
- D. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have used proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- E. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure in a non-negligent manner;
- F. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have exercised due care while performing an abortion procedure; and
- G. **Alex Pickens, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have timely provided the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

2. *Sinai-Grace Hospital*

- A. **Sinai-Grace Hospital**, a health care provider, should have timely and properly selected, trained and monitored its employees, servants, agents, actual or ostensible, or its staff of physicians, to insure that they were competent;
- B. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a

patient such as Bianca Somerville, should have had the ability to meet the patient's needs;

- C. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure with direct visualization;
- D. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure in a safe and cautious manner;
- E. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have used proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- F. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure in a non-negligent manner;
- G. **Sinai-Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have exercised due care while performing an abortion procedure; and
- H. **Sinai Grace Hospital**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have timely provided the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

3. ***Reginald Sharpe, M.D.***

- A. **Reginald Sharpe, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have had the ability to meet the patient's needs;
- B. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure in a safe and cautious manner;
- C. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure with direct visualization;
- D. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville should have used proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- E. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure in a non-negligent manner;
- F. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville should have exercised due care while performing an abortion procedure; and
- G. **Reginald Sharpe, M.D.**, as reasonable and prudent licensed physician, when presented with a patient such as Bianca Somerville, should have timely provided the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

4. ***Summit Medical Center***

- A. **Summit Medical Center**, a health care provider, should have timely and properly selected, trained, and monitored its employees, servants, agents, actual or ostensible, or its staff of physicians, to insure that they were competent;
- B. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have had the ability to meet the patient's needs;
- C. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure with direct visualization;
- D. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure in a safe and cautious manner;
- E. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have used proper ultrasound guidance while performing an abortion procedure to prevent perforating the uterus and bladder;
- F. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville, should have performed an abortion procedure in a non-negligent manner;
- G. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with a patient such as Bianca Somerville; should have exercised due care while performing an abortion procedure; and
- H. **Summit Medical Center**, a health care provider, via its agents and employees, when presented with

a patient such as Bianca Somerville should have timely provided the appropriate follow up care and treatment for Bianca Somerville based on the information that was or should have been available.

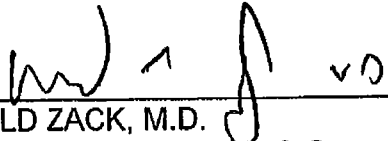
THE MANNER IN WHICH THE BREACH OF THE STANDARD OF PRACTICE OR CARE WAS THE PROXIMATE CAUSE OF INJURY:

Due to the negligence and breaches of the standard of care by **Alex Pickens, M.D., Sinai-Grace Hospital, Reginald Sharpe, M.D., and Summit Medical Center**, Bianca Somerville's abortion procedure was performed in a negligent manner, which resulted in a perforated uterus and ruptured bladder. Bianca also required additional surgery, a Foley catheter and stents placed into her kidneys.

In addition to the perforated uterus and ruptured bladder, Bianca experienced pain, suffering, discomfort, humiliation, fear, shock, additional surgery, disfigurement, fright, residual scarring, additional medical care and treatment, hospitalization, depression, loss of enjoyment of life, lost wages, and other economic loss. Bianca has also suffered damage to her reproductive system.

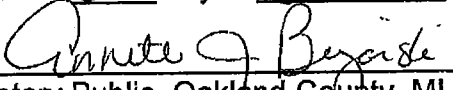
Had **Alex Pickens, M.D. Sinai-Grace Hospital, Reginald Sharpe, M.D., and Summit Medical Center**, complied with the standard of care, Bianca Somerville would not have suffered said damages.

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.



RONALD ZACK, M.D.
Board Certified, Obstetrics & Gynecology

Subscribed and sworn to before me
on this 30 day of June, 2015



Notary Public, Oakland County, MI
My commission expires: 4-11-20
Acting in Oakland County, MI