

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

YOLONDA ALEXANDER,

Plaintiff,

-vs-

CASE NO. 15-

-NH

15-011416-NH

ANTONETTE BYRD-CARR , M.D.,
SUMMIT OF DETROIT, P.C.
d/b/a SUMMIT MEDICAL CENTER,
Jointly and Severally,

FILED IN MY OFFICE
WAYNE COUNTY CLERK
8/31/2015 10:38:52 AM
CATHY M. GARRETT

Defendants.

_____/

HOWARD J. VICTOR (P27811)
Attorney for Plaintiffs
30445 Northwestern Highway
Suite 210
Farmington Hills, MI 48334
(248) 737-9101

_____ /

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/ Howard J. Victor
HOWARD J. VICTOR (P27811)

COMPLAINT AND JURY DEMAND

NOW COMES the Plaintiff YOLONDA ALEXANDER, by and through counsel, WORSHAM & VICTOR, P.C., and for her cause of action against the Defendants above, present unto this Honorable Court the following:

COUNT I
[GENERAL ALLEGATIONS]

1. That the Plaintiff, YOLONDA ALEXANDER [Hereinafter known as “YOLONDA”], is a resident of the City of Taylor, County of Wayne, State of Michigan.

2. That the Defendant, SUMMIT OF DETROIT, P.C. d/b/a SUMMIT MEDICAL CENTER [hereinafter known as “SUMMIT”], is a domestic professional service corporation doing business at 15801 West McNichols Road, in the City of Detroit, County of Wayne, and State of Michigan.

3. That the Defendant SUMMIT has as its resident agent CSC-Lawyers Incorporating Service Company, and a registered office at 601 Abbot Road, East Lansing, Michigan 48823.

4. That the Defendant, ANTONETTE BYRD-CARR [hereinafter known as “DR. BYRD-CARR”], is a duly licensed physician in the State of Michigan and was, and at all times relevant herein, an employee, agent, servant, officer, and/or representative of SUMMIT, acting within the scope of such.

5. That the incident giving rise to this Complaint against Defendants arose in the City of Detroit, County of Wayne, and State of Michigan.

6. That venue is proper pursuant to MCL 600.1629.

7. That the amount in controversy is in excess of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS.

8. That at the time of the events described herein, YOLONDA was a twenty-nine (29) year old woman.

9. That YOLONDA has two minor children.

10. That YOLONDA realized she was pregnant in or around March of 2014 at approximately seven (7) weeks.
11. That YOLONDA saw her primary care physician, Dr. Rice, in or around April of 2014.
12. That YOLONDA subsequently decided to terminate her pregnancy.
13. That on or around May 21, 2014, YOLONDA went to Summit Medical Center and signed the necessary paperwork.
14. That YOLONDA returned to Summit Medical Center on or around May 24, 2014 for the procedure.
15. That an ultrasound was performed along with blood work and a urine test.
16. That it was determined YOLONDA was approximately seventeen (17) weeks pregnant.
17. That YOLONDA was given medication to relax her prior to the procedure.
18. That DR. BYRD-CARR performed the procedure.
19. That DR. BYRD-CARR started the procedure by placing a speculum into YOLONDA'S vagina.
20. That during the procedure, DR. BYRD-CARR stopped abruptly because feces were coming out of YOLONDA'S vagina.
21. That DR. BYRD-CARR packed YOLONDA'S vagina.
22. That DR. BYRD-CARR then asked a staff member to call 911 for EMS to transport YOLONDA to the hospital.
23. That DR. BYRD-CARR apologized to YOLONDA, but was unable to give YOLONDA an explanation as to what happened.

24. That EMS arrived and YOLONDA was taken to Sinai-Grace Hospital.
25. That YOLONDA had to wait approximately two (2) hours before being taken to surgery.
26. That Alex Pickens, M.D. performed an exploratory laparotomy with hysterotomy and evacuation of fetus and placental tissue.
27. That John Barnwell, M.D. and Dr. Pickens performed an exploratory laparotomy, reduction of eviscerated small-bowel segment, small bowel resection with anastomosis (terminal ileum – side-to-side functional end-to-end ileostomy), and evacuation of hematoma – intra-abdominal pelvic.
28. That YOLONDA was discharged on or around May 27, 2014.
29. That on or around May 28, 2014, YOLONDA started throwing up bile.
30. That YOLONDA called EMS and was taken to Oakwood Hospital.
31. That YOLONDA'S condition was stabilized and she was transferred to Sinai-Grace Hospital on or around May 30, 2014.
32. That during her admission to Sinai-Grace Hospital, she had upper GI testing to see if there were any additional issues.
33. That YOLONDA was discharged on or around June 5, 2014
34. That YOLONDA followed up with Dr. Barnwell and Dr. Pickens.
35. That as a result of the negligence and breaches of the standards of care by ANTIONETTE BYRD-CARR, M.D. and SUMMIT MEDICAL CENTER, YOLONDA sustained an injury to both her uterus and bowel during her abortion procedure.
36. That as a result of her injuries, she required subsequent emergency surgery that consisted of cleaning out her uterus and a bowel resection.

37. That in addition the emergency surgery due to the injuries she sustained during the abortion procedure, YOLONDA experienced severe pain, suffering, fear, shock, discomfort, prolonged rehabilitation, loss of the enjoyment of life, embarrassment, humiliation, emergency surgery, additional medical intervention and surgery, further disability, permanent damage to her reproductive system, possible future fertility issues, residual scarring, difficulty with bowel movements, and economic loss.

38. That YOLONDA still experiences pain, trouble moving her bowels, and a significantly changed diet.

39. That had the Defendants complied with the standard of care, YOLONDA would not have suffered said damages.

WHEREFORE, Plaintiff YOLONDA ALEXANDER, by and through counsel, WORSHAM & VICTOR, P.C., respectfully requests that this Honorable Court enter judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, which the trier of fact determines the Plaintiff has suffered, together with costs, fees and interest so wrongfully sustained.

COUNT II
ANTIONETTE BYRD-CARR, M.D.
[NEGLIGENCE]

40. That the Plaintiff, by and through counsel, WORSHAM & VICTOR, P.C., hereby incorporate by reference all the allegations set forth in Count I as if fully set forth herein.

41. That the Defendant, DR. BYRD-CARR, owed a duty to the Plaintiff YOLONDA, as a licensed physician in the State of Michigan, by reason of physician-patient relationship,

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 use the proper technique to perform an abortion;
- b. by failing to avoid perforating the uterus;
- c. by failing to recognize the injury to the uterus intraoperatively;
- d. by failing to modify the procedure after the injury to the uterus occurred;
- e. by failing to avoid perforating the bowel;
- f. by failing to recognize the injury to the bowel intraoperatively;
and
- g. by failing to timely provide the appropriate follow up care and treatment for YOLONDA based on the information that was or should have been available.

42. That as a result of the negligence and breaches of the standards of care by ANTIONETTE BYRD-CARR, M.D. and SUMMIT MEDICAL CENTER, YOLONDA sustained an injury to both her uterus and bowel during her abortion procedure.

43. That as a result of her injuries, she required subsequent emergency surgery that consisted of cleaning out her uterus and a bowel resection.

44. That in addition the emergency surgery due to the injuries she sustained during the abortion procedure, YOLONDA experienced severe pain, suffering, fear, shock, discomfort, prolonged rehabilitation, loss of the enjoyment of life, embarrassment, humiliation, emergency surgery, additional medical intervention and surgery, further disability, permanent damage to her reproductive system, possible future fertility issues, residual scarring, difficulty with bowel movements, and economic loss.

45. That YOLONDA still experiences pain, trouble moving her bowels, and a significantly changed diet.

46. That had the Defendants complied with the standard of care, YOLONDA would not have suffered said damages.

WHEREFORE, Plaintiff YOLONDA ALEXANDER, by and through counsel, WORSHAM & VICTOR, P.C., respectfully requests that this Honorable Court enter judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, which the trier of fact determines the Plaintiff has suffered, together with costs, fees and interest so wrongfully sustained.

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

47. That the Plaintiff, by and through counsel, WORSHAM & VICTOR, P.C., hereby incorporate by reference all the allegations set forth in Count I - III as if fully set forth herein.

48. That the Defendant SUMMIT owed a duty to the Plaintiff YOLONDA as a health care provider, via its agents and employees, including Defendant, DR. BYRD-CARR, 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 use the proper technique to perform an abortion;
- c. by failing to avoid perforating the uterus;

- d. by failing to recognize the injury to the uterus intra operatively;
- e. by failing to modify the procedure after the injury to the uterus to the uterus occurred;
- f. by failing to avoid perforating the bowel;
- g. by failing to failing to recognize the injury to the bowel intraoperatively; and
- h. by failing to timely provide the appropriate follow up care and treatment for YOLONDA based on the information that was or should have been available.

49. That as a result of the negligence and breaches of the standards of care by ANTIONETTE BYRD-CARR, M.D. and SUMMIT MEDICAL CENTER, YOLONDA sustained an injury to both her uterus and bowel during her abortion procedure.

50. That as a result of her injuries, she required subsequent emergency surgery that consisted of cleaning out her uterus and a bowel resection.

51. That in addition the emergency surgery due to the injuries she sustained during the abortion procedure, YOLONDA experienced severe pain, suffering, fear, shock, discomfort, prolonged rehabilitation, loss of the enjoyment of life, embarrassment, humiliation, emergency surgery, additional medical intervention and surgery, further disability, permanent damage to her reproductive system, possible future fertility issues, residual scarring, difficulty with bowel movements, and economic loss.

52. That YOLONDA still experiences pain, trouble moving her bowels, and a significantly changed diet.

53. That had the Defendants complied with the standard of care, YOLONDA would not have suffered said damages.

WHEREFORE, Plaintiff YOLONDA ALEXANDER, by and through counsel, WORSHAM & VICTOR, P.C., respectfully requests that this Honorable Court enter judgment against the Defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, which the trier of fact determines the Plaintiff has suffered, together with costs, fees and interest so wrongfully sustained.

Respectfully submitted:

WORSHAM & VICTOR, P.C.

BY: /s/ Howard J. Victor
HOWARD J. VICTOR (P27811)
Attorney for Plaintiffs
30445 Northwestern Highway
Suite 210
Farmington Hills, MI 48334
(248) 737-9101

Dated: August 31, 2015

DEMAND FOR JURY TRIAL

Plaintiff YOLONDA ALEXANDER, by and through counsel, WORSHAM & VICTOR, P.C., hereby demands a trial by jury on all issues so triable herein.

Respectfully submitted:

WORSHAM & VICTOR, P.C.

BY: /s/ Howard J. Victor
HOWARD J. VICTOR (P27811)
Attorney for Plaintiffs
30445 Northwestern Highway
Suite 210
Farmington Hills, MI 48334
(248) 737-9101

Dated: August 31, 2015