

LABORATORY CORPORATION OF :
AMERICA (HOLDINGS) d/b/a LABCORP :
1447 York Court, :
Burlington NC 27215 :

COMPLAINT

1. Plaintiffs, Rebecca Goetz and John Ruziskey, are adult individuals and citizens of the Commonwealth of Pennsylvania who reside at 142 Juliet Road, Yardley, PA 19067. Rebecca Goetz and John Ruziskey bring this action in their own right and in their capacity as administrators of the estate of Collin John Ruziskey, deceased ("plaintiff's decedent"), who was approximately thirty (30) weeks gestation at the time of his demise and a viable fetus. Plaintiffs bring this action on the basis of diversity jurisdiction under 28 U.S.C. § 1332.

2. Defendants, Capital Health Systems, Inc. and Capital Health Systems Services d/b/a Capital Health Systems (hereinafter referred to as "CHS"), at all times relevant hereto were organizations doing business in the State of New Jersey and as such owned, operated, managed, possessed, and controlled a hospital known as Capital Health System at Mercer, located at 446 Bellevue Avenue, Trenton, New Jersey 08607.

3. Defendant, Daniel Small, M.D., was at all times relevant hereto, a physician licensed to practice medicine in the state of New Jersey. At all times relevant hereto, he acted individually and as the agent, servant, workman, and/or employee of the defendant, Lawrence OB-GYN Associates, P.C.

4. Defendant, William Stanell, M.D., was at all times relevant hereto, a physician licensed to practice medicine in the state of New Jersey. At all times relevant hereto, he acted individually and as the agent, servant, workman, and/or employee of the defendant, Lawrence OB-GYN Associates, P.C.

5. Defendant, Lawrence OB-GYN Associates, P.C., at all times relevant hereto was an organization registered to do business in the state of New Jersey.

6. Defendant, Laboratory Corporation of America (Holdings) d/b/a LabCorp, (hereinafter referred to as "LabCorp"), is an organization headquarters located at 430 South Spring Street, Burlington, North Carolina 27215.

7. At all times relevant hereto, defendants, and each of them, were responsible for those persons who were employed by them for the purpose of providing medical, surgical, nursing care, and laboratory testing for members of the public such as the plaintiff and plaintiffs' decedent herein, for a valuable consideration.

8. Plaintiffs Rebecca Goetz and John Ruziskey brings these actions on their own behalf and on behalf of all individuals entitled to recover under wrongful death statutes and survival statutes, including but not limited to plaintiffs' decedent and John Ruziskey, her husband, and claims all damages allowable under those statutes.

9. Plaintiffs' decedent left surviving him as next of kin his parents, Rebecca Goetz and John Ruziskey, his twin brother, Eric, and his brother, Paul.

COUNT I

REBECCA GOETZ., ET AL. V. DANIEL SMALL, M.D.
WILLIAM STANELL, M.D., AND LAWRENCE OB-GYN ASSOCIATES, P.C.

10. Plaintiffs incorporate by reference Paragraphs 1 through 9 as fully as though the same were set forth herein at length.

11. On or about December, 2001, plaintiff Rebecca Goetz came under the care of the defendants, and each of them, for her pregnancy with twins with an estimated date of confinement of June 22, 2002.

12. Thereafter, plaintiff Rebecca Goetz continuously returned to the defendants, and each

of them, for follow-up pregnancy care and reported to the defendants, and each of them, with her symptoms and complaints relating to her pregnancy, as the pregnancy progressed.

13. During the course of the pregnancy, plaintiff Rebecca Goetz showed signs that she would develop pre-eclampsia. Commencing in March 2002, she showed worsening symptoms and developed pre-eclampsia, which the defendants knew or should have known increased the risk of injury and/or death of the developing fetuses. Defendants, and each of them, knew or should have known that the plaintiff required appropriate care and medical treatment to prevent injuries to the plaintiff and/or the demise of the fetuses.

14. On or about April 2, 2002, plaintiff Rebecca Goetz was admitted to the defendant hospital where, due to her worsening condition, she was to be monitored, tested, and cared for and possibly deliver her babies.

15. Thereafter, on April 3, 2002, defendants, and each of them, their agents, servants, workmen, and/or employees, discharged the plaintiff from the hospital despite their, and each of their, knowledge of the plaintiff's worsening condition and the care which was required to prevent the loss of the plaintiffs' children and injury to plaintiff.

16. Thereafter, on April 8, 2002, plaintiff again presented to the defendants' obstetrical office for examination and testing, and in addition provided the defendants with a twenty-four (24) hour urine specimen to be analyzed for pre-eclampsia. Despite the test results, the defendants, and each of them, their agents, servants, workmen and/or employees, failed to notify plaintiff or otherwise act upon the results until after the plaintiff appeared for a regularly scheduled appointment on April 11, 2002, thereby increasing the risk of injury and/or death to the plaintiff's children. Plaintiffs' decedent died in utero and was delivered on April 11, 2002.

17. At all times relevant hereto, defendants and each of them, were acting individually

and as the agents, servants, workmen and/or employees of the defendant, Lawrence OB-GYN Associates, P.C., and at all times relevant hereto, were acting within the course and scope of their authority and employment and apparent authority.

18. Defendants, and each of them, their agents, servants, workmen and/or employees acted carelessly, recklessly, negligently, willfully, intentionally and wantonly and with medical malpractice in:

- a) Failing to properly and timely diagnose and promptly treat the plaintiff's medical condition;
- b) Failing to properly evaluate the plaintiff and the plaintiff's decedent's complaints, symptoms and condition which included but was not limited to pre-eclampsia, high blood pressure, high risk pregnancy, and fetal distress;
- c) Misdiagnosing and prescribing inappropriate and insufficient medical treatment for the plaintiff and plaintiff's decedent's severe medical/obstetrical condition;
- d) Failing to properly monitor and manage the plaintiff and plaintiff's decedent's condition, treatment, symptoms, and complaints relating to plaintiff's obstetrical conditions;
- e) Failing to use such due care and caution as was required under the circumstances of the plaintiff's complaints, symptoms and needs arising out of the twin pregnancy and its complications, including pre-eclampsia;
- f) Failing to refer, engage, or consult with competent and knowledgeable physicians who would properly diagnose and treat the plaintiff's severe medical/obstetrical conditions and the condition of the twin babies;
- g) Unreasonably and improperly exposing the plaintiff and plaintiff's decedent

to unnecessary risk, further risk and danger because of the failure to recognize and properly diagnose and treat the plaintiff and plaintiff's decedent's severe medical/obstetrical conditions;

h) Causing the plaintiff and the plaintiff's decedent to suffer severe and extreme complications resulting in the demise of Collin John Ruziskey;

i) Causing the plaintiff to undergo preventable serious and unnecessary complications resulting in the death of her twin baby;

j) Improperly permitting the plaintiff and plaintiff's decedent's severe medical/obstetrical condition to deteriorate without prompt and proper diagnosis, intervention and treatment thereby increasing the risk of death and taking away any and/or reducing plaintiff's decedent's chances of survival;

k) Failing to exercise reasonable judgment in the diagnosis and treatment of this patient's severe obstetrical condition and pregnancy complications in order to preserve the lives of the twin babies so that they would both be born alive;

l) Failing and neglecting to properly and promptly order and perform appropriate and sufficient tests, radiologic and other diagnostic procedures, and studies in order to properly and promptly diagnose, evaluate and treat the patient's severe symptoms and complaints concerning her pregnancy and obstetrical condition;

m) Disregarding, ignoring and not sufficiently acting upon the plaintiff's severe complaints, symptoms, testing results and needs;

n) Neglecting the patient when the patient's complaints and symptoms demanded prompt and proper diagnosis and treatment;

o) Failing to recognize the deterioration in the patient's and the plaintiff's decedent's severe condition and its cause and act promptly and appropriately under the

circumstances;

p) Failing to take proper precautions and apply the proper remedies to avoid and diminish the effect of the patient's severe obstetrical condition, so as to relieve the patient and the plaintiff's decedent of the effect of the complicating condition or the results thereof, or to minimize the injuries and damages resulting therefrom and the plaintiff's decedent's chances to survive;

q) Failing to determine the cause of patient's complaints and respond appropriately and sufficiently;

r) Treating the patient in so negligent a manner as to cause aggravation of the patient's condition and the ultimate death of one of the twin babies;

s) Failing to recognize that the fetus was in acute distress;

t) Failing to use that degree of skill, care, knowledge, and attention ordinarily possessed and exercised by practitioners of the medical profession and hospitals and clinics under like circumstances;

u) Such other negligence as may be revealed during the course of discovery;

v) Increasing the risk of the injury to the plaintiff's decedent and his deterioration and death;

w) Failing to provide the skilled care required for this patient and this pregnancy;

x) Failing to provide the proper and appropriate skill and care required to properly care for this obstetrical patient;

y) Failing to properly monitor, follow-up, examine, test, diagnose, and treat the plaintiff's obstetrical condition including but not limited to her symptoms of pre-eclampsia, fetal distress and fetal activity;

z) Prematurely releasing the patient from the defendant hospital despite reports

of test results and continuing symptoms and ongoing complaints;

aa) Failing to properly and adequately communicate with the patient concerning her obstetrical conditions and complications, including pre-eclampsia, so that the patient could be properly evaluated and treated;

bb) Failing to recognize the degree of risk involved in this pregnancy and properly monitor, follow-up, and treat the symptoms exhibited by the plaintiff and plaintiff's decedent;

cc) Discharging plaintiff from hospital on April 3, 2002 when her condition required hospitalization; and

dd) Failing to take all steps necessary to prevent plaintiff's pre-eclampsia condition from deteriorating, resulting in the loss of baby Collin John Ruziskey.

17. Due to negligence of the defendants, and each of them, their agents, servants, workmen and employees as set forth above, plaintiffs' decedent died in-utero and was delivered on April 11, 2002. Plaintiffs' decedent was deprived of any opportunity he would otherwise have had to survive; Rebecca Goetz and her husband, John Ruziskey, suffered the loss of their twin baby, thereby causing their extreme fears, emotional anguish, and mental distress; Rebecca Goetz was caused to undergo severe and unnecessary complications before the death of her twin baby, thereby causing her severe physiological, psychological and emotional damage.

18. The conduct of the defendants, and each of them, their agents, servants, workmen, and/or employees as aforesaid caused Rebecca Goetz and John Ruziskey to sustain extreme and severe mental anguish and emotional distress for which they seeks damages.

WHEREFORE, plaintiffs demand judgment against the defendants, and each of them, jointly and/or severally in an amount in excess of all arbitrational limits.

COUNT II

REBECCA GOETZ, ET AL. V. CAPITAL HEALTH SYSTEM AND
CAPITAL HEALTH SYSTEM, INC. D/B/A CAPITAL HEALTH SYSTEM

19. Plaintiffs incorporate by reference Paragraphs 1 through 18 as fully as though the same were set forth herein at length.

20. In addition to the allegations of negligence and other conduct above stated it is further contended that Capital Health System and Capital Health System, Inc. d/b/a Capital Health System, by and through its agents, servants, workmen and/or employees was further negligent, careless, reckless, and wanton in:

a) Failing to enact or promulgate, or if enacted or promulgated, in failing to enforce sufficient rules and regulations relating to the performance of medical care and treatment procedures performed herein, the treatment and care of obstetrical patients in the condition of this patient;

b) Failing to provide adequate supervision of its staff, agents, and employees to ensure that proper hospital, clinic, laboratory, and medical practices and procedures were followed;

c) Failing and neglecting to employ, hire, supervise and/or train doctors, nurses, and other health care providers with adequate experience, qualifications, and skills to properly evaluate and treat obstetrical patients exhibiting the symptoms and complaints as were exhibited by this patient;

d) Failing to properly and timely diagnose and promptly treat the plaintiff's medical condition;

e) Failing to properly evaluate the plaintiff and the plaintiff's decedent's complaints, symptoms and condition which included but was not limited to pre-eclampsia, high blood pressure, high risk pregnancy, and fetal distress;

f) Failing to properly monitor and manage the plaintiff and plaintiff's decedent's condition, treatment, symptoms, and complaints relating to plaintiff's obstetrical conditions;

g) Failing to refer, provide, engage, or consult with competent and knowledgeable physicians who would properly diagnose and treat the plaintiff's severe medical/obstetrical conditions and the condition of the twin babies;

h) Unreasonably and improperly exposing the plaintiff and plaintiff's decedent to unnecessary risk, further risk and danger because of the failure to recognize and properly treat the plaintiff and plaintiff's decedent's severe medical/obstetrical conditions;

i) Causing the plaintiffs and the plaintiffs' decedent to suffer severe and extreme complications resulting in the demise of Collin John Ruziskey;

j) Causing the plaintiffs to undergo preventable serious and unnecessary complications resulting in the death of her twin baby;

k) Improperly permitting the plaintiff and plaintiffs' decedent's severe medical/obstetrical condition to deteriorate without prompt and proper diagnosis, intervention and treatment thereby increasing the risk of death and taking away any and/or reducing plaintiff's decedent's chances of survival;

l) Failing to exercise reasonable judgment in the diagnosis and treatment of this patient's severe obstetrical condition and pregnancy complications in order to preserve the lives of the twin babies so that they would both be born alive;

m) Failing and neglecting to order and perform appropriate sufficient tests, radiologic and other diagnostic procedures, and studies in order to properly and promptly diagnose, evaluate and treat the patient's severe symptoms and complaints concerning her pregnancy and

obstetrical condition;

- n) Disregarding, ignoring and not sufficiently acting upon the plaintiff's severe complaints, symptoms, testing results and needs;
- o) Neglecting the patient when the patient's complaints and symptoms demanded prompt and proper diagnosis and treatment;
- p) Failing to recognize the deterioration in the patient's and the plaintiff's decedent's severe condition and its cause and act promptly and appropriately under the circumstances;
- q) Failing to determine the cause of patient's complaints and respond appropriately and sufficiently;
- r) Treating the patient in so negligent a manner as to cause aggravation of the patient's condition and the ultimate death of one of the twin babies;
- s) Failing to follow internal and other procedures and standards pertaining to medical care and treatment and diagnosis in violation of applicable regulations, procedures, and other requirements;
- t) Prematurely releasing the patient from the defendant hospital despite reports of test results and continuing symptoms and ongoing complaints;
- u) Discharging plaintiff from hospital on April 3, 2002 when her condition required hospitalization; and
- v) Such other negligence as may be revealed during the course of discovery.

21. Due to negligence of the defendants, and each of them, their agents, servants, workmen and employees as set forth above, plaintiffs' decedent died in-utero and was delivered on April 11, 2002. Plaintiffs' decedent was deprived of any opportunity he would otherwise have had

to survive; Rebecca Goetz and her husband, John Ruziskey, suffered the loss of their twin baby and suffered extreme fears, emotional anguish, and mental distress; Rebecca Goetz was caused to undergo severe and unnecessary complications before the death of her twin baby, with deterioration of her physiological, psychological and emotional condition.

22. The conduct of the defendants, and each of them, their agents, servants, workmen, and/or employees as aforesaid caused Rebecca Goetz and John Ruziskey to sustain extreme and severe mental anguish and emotional distress for which they seek damages.

WHEREFORE, plaintiff demands judgment against the defendants, Capital Health System and Capital Health System, Inc. d/b/a Capital Health System, in an amount in excess of all arbitrational limits.

COUNT III
REBECCA GOETZ, ET AL. V. LABORATORY CORPORATION
OF AMERICA (HOLDINGS) D/B/A LABCORP

23. Plaintiffs incorporate by reference Paragraphs 1 through 22 as fully as though the same were set forth herein at length.

24. At all times relevant hereto, defendant LabCorp, owned, operated, possessed, and controlled a laboratory located at 20 Johnson Drive, Raritan, New Jersey 08869, where it performed laboratory analysis of blood and urine on behalf of the defendant physicians and obstetrical clinics.

25. Defendant LabCorp, by and through its agents, servants, workmen and/or employees, owed a duty to promptly perform, laboratory testing and analysis and inform physicians and patients of the results of laboratory tests it performed where those results were of certain critical values and/or indicated that the patient was at high risk for serious complications if prompt and immediate intervention was not provided.

26. Despite knowledge of its duties and obligations concerning testing and testing results,

Labcorp and its agents, servants, workmen and/or employees failed to promptly and adequately submit the results of plaintiff's twenty-four (24) hour urine analysis to plaintiff or her physicians, thereby causing and/or increasing the risk of harm/death to the plaintiff and her baby, which occurred.

27. Defendant LabCorp and its agents, servants, workmen and/or employees were negligent in:

- a) Failing to promptly analyze plaintiff's specimens;
- b) Failing to recognize the indications of the test results;
- c) Failing to promptly and adequately notify plaintiff and/or her physicians of the test results;
- d) Failing to promptly transmit the test results to plaintiff and/or her physicians;
- e) Failing to follow procedures and protocols relating to testing and reporting of results;
- f) Failing to establish and/or follow guidelines for critical values;
- g) Failing to establish and/or follow guidelines for prompt transmission and communication of critical values;
- h) Failing to promptly analyze, perform tests on plaintiff's twenty-four (24) hour urine submitted on April 8, 2002;
- i) Such other negligence as may be revealed during discovery.

32. Due to negligence of the defendant, its agents, servants, workmen and/or employees as set forth above, plaintiffs' decedent died in-utero and was delivered on April 11, 2002. Plaintiffs' decedent was deprived of any opportunity he would otherwise have had to survive; Rebecca Goetz and her husband, John Ruziskey, suffered the loss of their twin baby and suffered extreme fears,

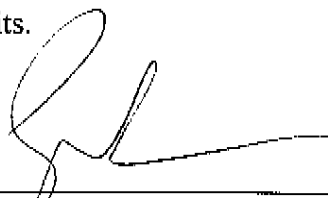
WHEREFORE, plaintiffs demand judgment against defendant LabCorp in an amount in excess of all arbitrational limits.

COUNT IV
REBECCA GOETZ, ET AL. V. ALL DEFENDANTS
EMOTIONAL DISTRESS

34. Plaintiffs incorporate by reference Paragraphs 1 through 33 as fully as though the same were set forth herein at length.

35. The actions of the defendants, and each of them, their agents, servants, workmen, and/or employees were negligent, intentional, outrageous, severe, and extreme, and caused the plaintiffs to suffer severe emotional distress for which they seek damages.

WHEREFORE, plaintiffs demand judgment against the defendants, and each of them, jointly and/or severally in an amount in excess of all arbitrational limits.

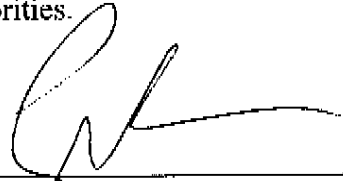


SAMUEL F. KAFRISSIN
Attorney for Plaintiff

VERIFICATION

SAMUEL F. KAFRISSSEN, Esquire, being duly sworn according to law deposes and says that he is the attorney for the plaintiff and is authorized to take the Verification on behalf of the plaintiff. The undersigned hereby verifies that the facts set forth in the foregoing pleading are true and correct to the best of his knowledge, information and belief. This statement is made subject to the penalties relating to unsworn falsification to authorities.

DATE: 4/12/04



SAMUEL F. KAFRISSSEN
Attorney for Plaintiff