

**CIVIL ACTION COVER SHEET**

TRIAL COURT OF MASSACHUSETTS  
SUPERIOR COURT DEPARTMENT  
COUNTY **SUFFOLK**

DOCKET NO. **11-1579**

**PLAINTIFF(S)** **Georgianna White**

**DEFENDANT(S)** **Linda Duska, M.D., Alexander Olawaiye, M.D., Andrea Edlow, M.D., Jennifer H. Tang, M.D., and Elisabeth Baron, M.D.**

Type Plaintiff's Attorney name, Address, City/State/Zip  
Phone Number and BBO#

Type Defendant's Attorney Name, Address, City/State/Zip  
Phone Number (If Known)

Kevin Donius, Esq.  
Law Offices of Kevin Donius, P.C.  
424 Adams St., Suite 100  
Milton, MA 02186

Empty box for defendant attorney information.

MICHAEL JOSEPH DONIUS  
CLERK/MAGISTRATE  
SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE  
2011 APR 25 PM 4:00

**TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)**

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
<b>B06</b>	<b>Medical Malpractice - Average Track</b>		<input checked="" type="radio"/> Yes <input type="radio"/> No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

**TORT CLAIMS**  
(Attach additional sheets as necessary)

<b>A. Documented medical expenses to date:</b>	
1. Total hospital expenses	\$ 150,000*
2. Total doctor expenses	\$ 100,000*
3. Total chiropractic expenses	\$ _____
4. Total physical therapy expenses	\$ _____
5. Total other expenses (describe)	\$ _____
<b>Subtotal</b>	\$ 250,000*
<b>B. Documented lost wages and compensation to date</b>	\$ _____
<b>C. Documented property damages to date</b>	\$ _____
<b>D. Reasonably anticipated future medical expenses</b>	\$ _____
<b>E. Reasonably anticipated lost wages and compensation to date</b>	\$ _____
<b>F. Other documented items of damages (describe)</b>	\$ _____
<b>G. Brief description of plaintiff's injury, including nature and extent of injury (describe)</b>	
Severe personal injury resulting from a failure to properly diagnose a bowel perforation	
<b>Total \$</b>	<b>250,000*</b>
	*Estimate

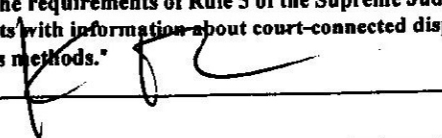
**CONTRACT CLAIMS**  
(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

**TOTAL \$.....**

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record  Date: **Apr 21, 2011**

A.O.S.C. 3-2007

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT  
DEPARTMENT OF THE  
TRIAL COURT  
DOCKET NO.

11-1579 F

\_\_\_\_\_)  
 GEORGIANNA WHITE, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 LINDA DUSKA, M.D., ALEXANDER )  
 OLAWAIYE, M.D., ANDREA )  
 EDLOW, M.D., JENNIFER H. )  
 TANG, M.D., and ELISABETH )  
 BARON, M.D., )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_)

COMPLAINT AND JURY DEMAND

SUFFOLK SUPERIOR COURT  
 CIVIL CLERK'S OFFICE  
 2011 APR 25 PM 4:54  
 MICHAEL JOSEPH DEKORIAN  
 CLERK/MAGISTRATE

I. Parties

1. The Plaintiff, GEORGIANNA WHITE ("Mrs. White") was at all times relevant a resident of Boston, Suffolk County, Massachusetts.
2. The Defendant, LINDA DUSKA, M.D. ("Dr. Duska"), was at all times relevant a physician licensed to practice medicine in the Commonwealth of Massachusetts.
3. The Defendant, ALEXANDER OLAWAIYE, M.D. ("Dr. Olawaiye"), was at all times relevant a physician licensed to practice medicine in the Commonwealth of Massachusetts.
4. The Defendant, ANDREA EDLOW, M.D. ("Dr. Edlow"), was at all times relevant a physician licensed to practice medicine in the Commonwealth of Massachusetts.

5. The Defendant, JENNIFER H. TANG, M.D. ("Dr. Tang"), was at all times relevant a physician licensed to practice medicine in the Commonwealth of Massachusetts.
6. The Defendant, ELISABETH BARON, M.D. ("Dr. Baron"), was at all times relevant a physician licensed to practice medicine in the Commonwealth of Massachusetts.

## II. Facts

7. Mrs. White was admitted to Massachusetts General Hospital ("MGH") on 3/12/08 and underwent a hysterectomy for endometrial cancer. The procedure was performed by the Defendant, Dr. Duska.
8. A final pathology report showed endometrial carcinoma remaining in the endometrial polyps.
9. The results were discussed with Mrs. White and laparotomy surgery was recommended to stage the remaining carcinoma cells.
10. On 5/2/08, the Defendant, Dr. Duska, and the Defendant, Dr. Olawaiye, performed the exploratory laparotomy.
11. During this procedure, a serosal tear in the sigmoid colon was found and repaired with sutures.
12. During this procedure, the colon was perforated a second time but the Defendants failed to discover the perforation.
13. Post-operatively, Mrs. White's abdomen was noted to be soft and distended and the Defendant, Dr. Olawaiye, was made aware of these findings. Hypoactive bowel signs were also noted along with no bowel movements or flatus.
14. On 5/3/08, Mrs. White's abdomen was again noted as soft and distended with hypoactive bowel sounds and no flatus

or bowel movements. Mrs. White's temperature was measured at 99.2 degrees.

15. On 5/4/08, Mrs. White's temperature increased to 100.3 degrees. The Defendant, Dr. Baron, also noted an increased heart rate in the 140s with complaints of dizziness, abdominal pain, and fatigue. Mrs. White's white blood count was also elevated. She had no flatus and a small mucous stool.
16. On 5/5/08, Mrs. White's temperature was measured at 99.6 degrees and she was noted to be experiencing dizziness, minimal oral intake, moderately distended abdomen, and abdominal pain. Her white blood count remained elevated. It was again noted that the attending physician was made aware of the findings.
17. On 5/6/08, no oral intake was ordered due to an episode of nausea and vomiting. Mrs. White's abdomen remained soft and distended. The attending physician was again made aware of these findings. Mrs. White had no bowel movements on this date.
18. On 5/7/08, Mrs. White's temperature was measured at 100 degrees and she was experiencing decreased appetite, abdominal distention, and hypoactive bowel sounds.
19. Despite signs and symptoms of a perforation on 5/2, 5/3, 5/4, 5/5 5/6 and 5/7/08, Defendants Dusku, Olawaiye, Edlow, Tang and Baron failed to diagnose the perforation.
20. On 5/8/08, Mrs. White's abdomen remained distended and she complained of "sharp/stabbing" abdominal pain. The nursing staff found Mrs. White sweating and vomiting greenish bile.
21. An abdominal CT on 5/8/08 revealed a perforation in the sigmoid colon.

22. On 5/9/08, David Berger, M.D. ("Dr. Berger"), repaired the perforation and performed a sigmoidectomy and colostomy.
23. Mrs. White was discharged home from MGH on 5/29/08.
24. An attempt to reverse the ileostomy was unsuccessful and Mrs. White's colostomy is permanent.

**Count I - Negligence**  
**(Dr. Dusku)**

25. The Plaintiff repeats, re-alleges and incorporates herein by reference the factual allegations contained in paragraphs 1 through 24 above.
26. At all times relevant to this Complaint, the Defendant, Linda Dusku, M.D., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the Plaintiff that she was knowledgeable, competent, and qualified to diagnose and treat the Plaintiff's condition on or about May 2008.
27. On or about May 2008, the Plaintiff submitted herself to the care and treatment of the Defendant, who negligently, carelessly, and without regard for the Plaintiff's health and well-being, treated the Plaintiff in a manner resulting in the Plaintiff's severe personal injuries.
28. The injuries sustained by the Plaintiff were the direct and proximate result of the carelessness, unskillfulness, negligence, and improper care and treatment by the Defendant including but not limited to the following:
  - a. Defendant's misrepresentations to the Plaintiff that she was knowledgeable, skillful, and competent to diagnose