

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.:

17. 2592A

SUEANN WEST
and BRIAN WEST
Plaintiffs

v.

SHEELA MARU, M.D.,
TEJUMOLA ADEGOKE, and
BOSTON MEDICAL CENTER
CORPORATION
Defendants

**COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

PARTIES

1. The Plaintiff, Sueann West, is an adult individual who resides at 42 Charles Street, Hyde Park, (Suffolk County), Massachusetts and is the lawful spouse of Brian West.

2. The Plaintiff, Brian West, is an adult individual who resides 42 Charles Street, Hyde Park, (Suffolk County), Massachusetts and is the lawful spouse of Sueann West.

3. The Defendant, Sheela Maru, M.D., is a physician licensed to practice medicine in the Commonwealth of Massachusetts with a place of business at Boston Medical Center, 85 East Concord Street, Boston, (Suffolk County) Massachusetts.

4. The Defendant, Tejumola Adegoke, was, at all time relevant hereto, a medical resident practicing medicine in the Commonwealth of Massachusetts with a place of business at Boston Medical Center, 85 East Concord Street, Boston, (Suffolk County) Massachusetts.

5. The Defendant, Boston Medical Center Corporation, is a corporation engaged in the business of rendering medical care and treatment in the Commonwealth of Massachusetts with a place of business at Boston Medical Center, 1 Boston Medical Center Place, Boston, (Suffolk County) Massachusetts.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

6. At all times material hereto, the Defendants, Sheela Maru and Tejumola Adegoke, rendered medical services and treatment to the Plaintiff, Sueann West at the Boston Medical Center, Boston, Massachusetts.

7. On May 15, 2015 the Defendants, Sheela Maru, M.D., and Tejumola Adegoke, performed a laparoscopic bilateral fallopian tubal sterilization upon the Plaintiff, Sueann West, at the Boston Medical Center.

8. During surgery, the Defendants lacerated the anterior dome of the Plaintiff, Sueann West's bladder which went undetected until May 20, 2015.

9. As a result thereof, the Plaintiff, Sueann West, was caused to suffer sepsis, peritonitis, uremia, acute kidney failure, acute respiratory failure, renal failure and resultant bladder dysfunction, bladder leakage, neurologic sequela including left sided pain and weakness, malaise, dysarthric speech, impaired cognition and other injuries, all to her great damage.

STATEMENT OF CLAIMS

COUNT I
(Sueann West v. Sheela Maru, M.D.)

10. The Plaintiff, Sueann West, restates and realleges the allegations contained in paragraphs 1 through 9 of this Complaint as if separately set forth herein.

11. The Defendant, Sheela Maru, M.D., breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to exercise the degree of care and skill of the average qualified physician practicing the specialties that were practiced by said defendant, taking into account advances in the profession.

12. The Defendant, Sheela Maru, M.D., breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to recognize and diagnose the medical conditions and/or problems of the Plaintiff, and subsequent medical complications.

13. The Defendant, Sheela Maru, M.D., breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to treat the medical conditions, problems and complications suffered by the Plaintiff following her surgery at Boston Medical Center on May 15, 2015.

14. The Defendant, Sheela Maru, M.D., breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to adequately respond to the symptoms exhibited by the Plaintiff, following her surgery at the Boston Medical Center on May 15, 2015.

15. The Defendant, Sheela Maru, M.D., breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to adequately warn and instruct the plaintiff regarding foreseeable complications of surgery including a bladder laceration.

16. The Defendant, Sheela Maru, M.D., breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to verify the integrity of the

lower urinary tract including monitoring the patient for signs and symptoms consistent with a bladder laceration.

17. The Defendant, Sheela Maru, M.D., breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to identify and respond to the medical conditions, problems and complications suffered by the Plaintiff following her surgery at Boston Medical Center on May 15, 2015.

18. The injuries sustained by the Plaintiff, Sueann West, are the direct and proximate result of the negligent acts and/or omissions of Defendant, Sheela Maru, M.D., in her capacity as a provider of medical services to the Plaintiff.

19. As a direct and proximate result of the negligent acts and/omissions of the Defendant, Sheela Maru, M.D., as set forth herein, the Plaintiff, Sueann West, has suffered and continues to suffer catastrophic and permanent injuries resulting in a severe and permanent physical disability, great physical and mental pain and anguish, the expenditure of great sums of money for past, present and future medical and hospital expenses, the loss of past, present and future earnings and earning capacity, loss of enjoyment of life and to suffer other damages.

COUNT II
(Sueann West v. Tejumola Adegoke)

20. The Plaintiff, Sueann West, restates and realleges the allegations contained in paragraphs 1 through 19 of this Complaint as if separately set forth herein.

21. The Defendant, Tejumola Adegoke, breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to exercise the degree of care and skill of the average qualified physician practicing the specialties that were practiced by said defendant, taking into account advances in the profession.

22. The Defendant, Tejumola Adegoke, breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to recognize and diagnose the medical conditions and/or problems of the Plaintiff, and subsequent medical complications.

23. The Defendant, Tejumola Adegoke, breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to treat the medical conditions, problems and complications suffered by the Plaintiff following her surgery at Boston Medical Center on May 15, 2015.

24. The Defendant, Tejumola Adegoke, breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to adequately respond to the symptoms exhibited by the Plaintiff, following her surgery at the Boston Medical Center on May 15, 2015.

25. The Defendant, Tejumola Adegoke, breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to adequately warn and instruct the Plaintiff regarding foreseeable complications of surgery including a bladder laceration.

26. The Defendant, Tejumola Adegoke, breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to verify the integrity of the lower urinary tract including monitoring the patient for signs and symptoms consistent with a bladder laceration.

27. The Defendant, Tejumola Adegoke, breached the standard of care in her treatment of the Plaintiff, Sueann West, by negligently failing to identify and respond to

the medical conditions, problems and complications suffered by the Plaintiff following her surgery at Boston Medical Center on May 15, 2015.

28. The injuries sustained by the Plaintiff, Sueann West, are the direct and proximate result of the negligent acts and/or omissions of Defendant, Tejumola Adegoke, in her capacity as a provider of medical services to the Plaintiff.

29. As a direct and proximate result of the negligent acts and/omissions of the Defendant, Tejumola Adegoke, as set forth herein, the Plaintiff, Sueann West, has suffered and continues to suffer catastrophic and permanent injuries resulting in a severe and permanent physical disability, great physical and mental pain and anguish, the expenditure of great sums of money for past, present and future medical and hospital expenses, the loss of past, present and future earnings and earning capacity, loss of enjoyment of life and to suffer other damages.

COUNT III
(Sueann West v. Boston Medical Center Corporation)

30. The Plaintiff, Sueann West, restates and realleges the allegations contained in paragraph 1 through 26 of this Complaint as if separately set forth herein.

31. The Defendant, Boston Medical Center Corporation, acting through its agents, servants and employees, negligently breached the standard of care in its treatment of the Plaintiff, Sueann West.

32. The Defendant, Boston Medical Center Corporation, acting through its agents, servants and employees, negligently failed to recognize and diagnose the medical conditions and/or problems of the Plaintiff, Sueann West, and subsequent medical complications.

33. The Defendant, Boston Medical Center Corporation, acting through its agents, servants and employees, negligently failed to treat the medical conditions, problems and complications suffered by the Plaintiff, Sueann West, following her surgery at Boston Medical Center on May 15, 2015.

34. The Defendant, Boston Medical Center Corporation, acting through its agents, servants and employees, negligently failed to adequately respond to the symptoms exhibited by the Plaintiff, Sueann West, following her surgery on May 15, 2015.

35. The Defendant, Boston Medical Center Corporation, acting through its agents, servants and employees, negligently failed to adequately warn and instruct the Plaintiff, Sueann West, regarding foreseeable complications of the surgery including a bladder laceration.

36. The Defendant, Boston Medical Center Corporation, acting through its agents, servants and employees, negligently failed to verify the integrity of the lower urinary tract including monitoring the patient for signs and symptoms consistent with a bladder laceration.

37. The Defendant, Boston Medical Center Corporation, acting through its agents, servants and employees, negligently failed to identify and respond to the medical conditions, problems and complications suffered by the Plaintiff following her surgery on May 15, 2015.

38. The injuries sustained by the Plaintiff, Sueann West, are the direct and proximate result of the negligent acts and/or omissions of Defendant, Boston Medical Center Corporation, acting through its agents, servants and employees, as a provider of medical services to the Plaintiff.

39. As a direct and proximate result of the negligent acts and/omissions of the Defendant, Boston Medical Center Corporation, acting through its agents, servants and employees, as set forth herein, the Plaintiff, Sueann West, has suffered and continues to suffer catastrophic and permanent injuries resulting in a severe and permanent physical disability, great physical and mental pain and anguish, the expenditure of great sums of money for past, present and future medical and hospital expenses, the loss of past, present and future earnings and earning capacity, loss of enjoyment of loss of enjoyment of life and to suffer other damages.

COUNT IV
(Brian West v. Sheela Maru, M.D.)

40. The Plaintiff, Brian West, restates and realleges the allegations contained in paragraphs 1 through 39 of this Complaint as if separately set forth herein.

41. As a result of the negligence of the Defendant, Sheela Maru, M.D., the Plaintiff, Brian West, was caused to sustain the loss of the society, companionship, care, consortium, and services of his wife, the Plaintiff, Sueann West, was prevented from his usual or customary activities and employment for periods of time thereafter, was caused to incur medical expenses for reasonable and necessary care and treatment of his wife, the Plaintiff, Sueann West, and to suffer other damages.

COUNT V
(Brian West v. Tejumola Adegoke)

42. The Plaintiff, Brian West, restates and realleges the allegations contained in paragraphs 1 through 39 of this Complaint as if separately set forth herein.

43. As a result of the negligence of the Defendant, Tejumola Adegoke, the Plaintiff, Brian West, was caused to sustain the loss of the society, companionship, care,

consortium, and services of his wife, the Plaintiff, Sueann West, was prevented from his usual or customary activities and employment for periods of time thereafter, was caused to incur medical expenses for reasonable and necessary care and treatment of his wife, the Plaintiff, Sueann West, and to suffer other damages.

COUNT VI
(Brian West v. Boston Medical Center Corporation)

44. The Plaintiff, Brian West, restates and realleges the allegations contained in paragraphs 1 through 39 of this Complaint as if separately set forth herein.

45. As a result of the negligence of the Defendant, Boston Medical Center Corporation, acting through its agents, servants and employees, the Plaintiff, Brian West, was caused to sustain the loss of the society, companionship, care, consortium, and services of his wife, the Plaintiff, Sueann West, was prevented from his usual or customary activities and employment for periods of time thereafter, was caused to incur medical expenses for reasonable and necessary care and treatment of his wife, the Plaintiff, Sueann West, and to suffer other damages.

DEMAND FOR RELIEF

WHEREFORE, the Plaintiffs, Sueann West, and Brian West, respectfully request that this Honorable Court grant the following relief against all the Defendants named herein, jointly and severally:

- a. Award monetary damages in an amount that adequately compensates the Plaintiff, Sueann West, for her catastrophic injuries and resulting damages;
- b. Award monetary damages in an amount that adequately compensates the Plaintiff, Brian West, for his loss of spousal consortium and resulting damages;

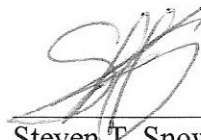
c. Award costs associated with maintaining this civil action for medical malpractice; and,

d. Grant such other relief that this Honorable Court deems reasonable and proper.

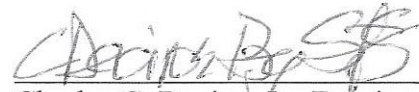
JURY DEMAND

**THE PLAINTIFFS DEMAND A TRIAL BY JURY IN THE SUPERIOR COURT
ON ALL CLAIMS AND ISSUES OF FACT TO THE FULLEST EXTENT
PERMITTED BY LAW.**


Respectfully submitted,
Plaintiffs, Sueann West
and Brian West,
By their attorneys,



Steven T. Snow, Esquire
(BBO No.: 558331)
Law Offices of Steven T. Snow
2 Oak Street, Suite 202
P. O. Box 628
Mashpee, Massachusetts 02649
(508) 477-7100
sts@mashpeelaw.com



Charles G. Devine, Jr., Esquire
(BBO No.: 548053)
Devine Barrows, LLP
15 Walnut Street, Suite 100
Wellesley, MA 02481
(617) 723-8988
cdevine@devinebarrowslaw.com

Dated: August , 2017