

DOCKET NO.: UWY-CV-15-6027543 S : **SUPERIOR COURT**
VINCENT M. JACOVINO, ADMINISTRATOR : **J. D. OF WATERBURY**
OF THE ESTATE OF VINCENT J. JACOVINO
V. : **AT WATERBURY**
ANNA SFAKIANAKI, M.D.; :
MEGAN MCCARTHY, M.D.; YALE NEW
HAVEN HOSPITAL, INC.; YALE UNIVERSITY
D/B/A YALE SCHOOL OF MEDICINE; YALE
UNIVERSITY D/B/A YALE MEDICAL GROUP: **SEPTEMBER 22, 2015**

NOTICE

The plaintiff hereby files this Revised Complaint in accordance with the ruling from the court (Shapiro, J.) on September 14, 2015.

THE PLAINTIFF, VINCENT M. JACOVINO,
ADMINISTRATOR OF THE ESTATE OF
VINCENT J. JACOVINO

By 418917
Pamela L. Cameron
Moore, O'Brien & Foti
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Juris No.: 408519
His Attorneys

CERTIFICATION

I certify that a copy of this document was mailed or delivered electronically or non-electronically on September 22, 2015 to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Eric Stockman, Esq.
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Ms. Megan McCarthy
170 W. Dayton Street, #1014
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By 418917
Pamela L. Cameron, Esq.
Commissioner of the Superior Court

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YALE NEW HAVEN HOSPITAL, INC.;
YALE UNIVERSITY D/B/A YALE SCHOOL
OF MEDICINE; YALE UNIVERSITY D/B/A
YALE MEDICAL GROUP : **SEPTEMBER 22, 2015**

REVISED COMPLAINT

FIRST COUNT: (vs. Anna Sfakianaki, M.D.)

1. On or about May 12, 2015, the plaintiff, Vincent M. Jacovino, was duly appointed as administrator of the Estate of Vincent J. Jacovino in the Court of Probate, Naugatuck Probate District, State of Connecticut. A copy is attached as Exhibit A.
2. On or about May 29, 2015, pursuant to Connecticut General Statute Section 52-190a(b), an automatic 90-day extension was filed with the Superior Court. A copy of said extension is attached as Exhibit B.
3. Vincent J. Jacovino died on November 13, 2013.
4. At all times mentioned herein, the defendant, Yale New Haven Hospital, Inc., a Connecticut corporation, owned, maintained and operated a hospital in New Haven, Connecticut, known as Yale New Haven Hospital, and charged patients of the Hospital

such sums of money as it deemed a fair and reasonable consideration for the medical services, facilities, supervision, assistance and care furnished by it.

5. At all times mentioned herein, the defendant, Yale University d/b/a Yale School of Medicine, was a specially chartered corporation located in New Haven, Connecticut, that owned, operated, maintained, directed, and staffed the Yale School of Medicine and employs persons engaged in the practice of medicine who comprise the medical staff and department membership of defendant Yale New Haven Hospital, Inc.

6. At all times mentioned herein, the defendant, Yale University d/b/a Yale Medical Group, was a multi-specialty group medical practice consisting of faculty members of the defendant, Yale University d/b/a Yale School of Medicine.

7. At all times mentioned herein, the defendant, Anna Sfakianaki, M.D., was a board certified obstetrician-gynecologist and a duly authorized agent, servant, and/or employee of the defendant, Yale New Haven Hospital, Inc. acting within the scope and course of her employment.

8. At all times mentioned herein, Anna Sfakianaki, M.D., was a board certified obstetrician-gynecologist and a duly authorized agent, servant, and/or employee of the defendant, Yale University d/b/a Yale School of Medicine and was acting within the scope and course of her employment.

9. At all times mentioned herein, Anna Sfakianaki, M.D., was a board certified obstetrician-gynecologist and a duly authorized agent, servant and/or employee of the

defendant, Yale University d/b/a Yale Medical Group and was acting within the scope and course of her employment.

10. At all times, mentioned herein, the defendant, Anna Sfakianaki, M.D. was the obstetrician-gynecologist who was responsible for interpreting the Level II ultrasound (hereinafter “ultrasound”) that Rachael Jacovino, mother of the plaintiff’s decedent Vincent J. Jacovino, underwent at Yale New Haven Hospital Division of Maternal Fetal Medicine located at Long Wharf in New Haven, Connecticut on July 3, 2013.

11. At all times mentioned herein, the defendant, Anna Sfakianaki, M.D. was the obstetrician-gynecologist responsible for onsite medical management and direction of any non-physicians and/or residents, interns and/or postdoctoral fellows who participated in the undertaking and interpretation of the ultrasound performed on Rachael Jacovino on July 3, 2013.

12. The ultrasound was administered by duly authorized agents, servants and/or employees of the defendant, Yale New Haven Hospital, Inc.

13. The ultrasound was administered by duly authorized agents, servants and/or employees of the defendant, Yale University d/b/a Yale School of Medicine.

14. The ultrasound was administered by duly authorized agents, servants and/or employees of the defendant, Yale University d/b/a Yale Medical Group.

15. The ultrasound was interpreted by the defendants, Anna Sfakianaki, M.D., M.P.H., and Megan McCarthy, M.D.

16. According to the defendants' medical records, the ultrasound revealed that the umbilical cord showed a normal insertion into the placenta.

17. No follow-up was performed with respect to cord insertion due to the ultrasound being read as a normal cord insertion.

18. On November 11, 2013, Rachael Jacovino began hemorrhaging at her home.

19. On November 11, 2013, Rachael Jacovino presented to St. Mary's Hospital in Waterbury where an emergency Cesarean section was performed.

20. On November 11, 2013 at approximately 9:44 p.m., a baby boy, Vincent J. Jacovino, was born to Rachael and Vincent M. Jacovino.

21. According to the St. Mary's Hospital medical records, Rachael Jacovino was diagnosed with velamentous cord insertion and vasa previa.

22. As a result of the undiagnosed and untreated velamentous cord insertion and vasa previa, Vincent J. Jacovino suffered a severe brain injury.

23. On November 13, 2013, Vincent J. Jacovino died.

24. Baby Boy Vincent J. Jacovino's injuries and death were caused by the failure of the defendant, Anna Sfakianaki, M.D. to exercise reasonable care under all of the facts and circumstances then and there present in that:

- a. She failed to properly interpret the July 3, 2013 ultrasound performed on Rachael Jacovino with regard to Baby Boy Vincent J. Jacovino;

- b. She failed to recognize that the July 3, 2013 ultrasound performed on Rachael Jacovino with regard to Baby Boy Vincent J. Jacovino revealed a velamentous cord insertion;
- c. She failed to follow up on the July 3, 2013 ultrasound performed on Rachael Jacovino with regard to Baby Boy Vincent J. Jacovino;
- d. She failed to properly diagnose vasa previa with regard to Rachael Jacovino's pregnancy with Baby Boy Vincent J. Jacovino;
- e. She failed to properly treat vasa previa with regard to Rachael Jacovino's pregnancy with Baby Boy Vincent J. Jacovino;
- f. She failed to possess the requisite knowledge, skill and experience to adequately and properly care for, treat, diagnose, and monitor Rachael Jacovino's pregnancy with Baby Boy Vincent J. Jacovino.

25. As a result of the carelessness and negligence of the defendant, Anna Sfakianaki, M.D., the plaintiff's decedent, Baby Boy Vincent J. Jacovino (hereinafter "plaintiff's decedent") suffered the following severe, serious and permanent injuries:

- a. severe brain damage;
- b. hypoxic-ischemic encephalopathy;
- c. metabolic acidosis;
- d. hypotension;
- e. seizures;
- f. apnea;
- g. hyperglycemia;

- h. pain and suffering;
- i. loss of chance of survival;
- j. complete destruction of ability to carry on and enjoy life's activities;
- k. death.

26. As a further result of the carelessness and negligence of the defendant, Anna Sfakianaki, M.D., Vincent M. Jacovino, Administrator of the Estate of Vincent J. Jacovino, has been forced to expend considerable sums of money for medical and hospital bills, diagnostic tests, and medication all to his financial loss.

27. As a further result of the carelessness and negligence of the defendant, Anna Sfakianaki, M.D., Vincent M. Jacovino, Administrator of the Estate of Vincent J. Jacovino, has been forced to pay for funeral and burial expenses.

28. As a further result of the carelessness and negligence of the defendant, Anna Sfakianaki, M.D., the plaintiff's decedent's earning capacity has been completely destroyed.

29. This action is brought pursuant to Connecticut General Statutes Section 52-555.

SECOND COUNT: (vs. Yale New Haven Hospital)

1-29. Paragraphs One through Twenty Nine, inclusive, of the First Count, is incorporated by reference as paragraphs One through Twenty Nine, inclusive, of the Second Count as if fully set forth herein.

30. At the time of this event, the defendant, Anna Sfakianaki, M.D., was an agent, servant and/or employee of defendant Yale New Haven Hospital, Inc, acting in the course and scope of her employment and as a consequence, the defendant, Yale New Haven Hospital, Inc. is legally liable to the plaintiff for Dr. Sfakianaki's acts and omissions.

THIRD COUNT: (vs. Yale University d/b/a Yale School of Medicine)

1-29. Paragraphs One through Twenty Nine, inclusive, of the First Count, is incorporated by reference as paragraphs One through Twenty Nine, inclusive, of the Third Count as if fully set forth herein.

30. At the time of this event, the defendant, Anna Sfakianaki, M.D., was an agent, servant and/or employee of defendant Yale University d/b/a Yale School of Medicine acting in the course and scope of her employment and as a consequence, the defendant, Yale University d/b/a Yale School of Medicine is legally liable to the plaintiff for Dr. Sfakianaki's acts and omissions.

FOURTH COUNT: (vs. Yale University d/b/a Yale Medical Group)

1-29. Paragraphs One through Twenty Nine, inclusive, of the First Count, is incorporated by reference as paragraphs One through Twenty Nine, inclusive, of the Fourth Count as if fully set forth herein.

30. At the time of this event, the defendant, Anna Sfakianaki, M.D., was an agent, servant and/or employee of defendant Yale University d/b/a Yale Medical Group acting in the course and scope of her employment and as a consequence, the defendant, Yale University d/b/a Yale Medical Group is legally liable to the plaintiff for Dr. Sfakianaki's acts and omissions.

FIFTH COUNT: (vs. Megan McCarthy, M.D.)

1. On or about May 12, 2015, the plaintiff, Vincent M. Jacovino, was duly appointed as administrator of the Estate of Vincent J. Jacovino in the Court of Probate, Naugatuck Probate District, State of Connecticut. A copy is attached as Exhibit A.

2. On or about May 29, 2015, pursuant to Connecticut General Statute Section 52-190a(b), an automatic 90-day extension was filed with the Superior Court. A copy of said extension is attached as Exhibit B.

3. Vincent J. Jacovino died on November 13, 2013.

4. At all times mentioned herein, the defendant, Yale New Haven Hospital, Inc., a Connecticut corporation, owned, maintained and operated a hospital in New Haven, Connecticut, known as Yale New Haven Hospital, and charged patients of the Hospital

such sums of money as it deemed a fair and reasonable consideration for the medical services, facilities, supervision, assistance and care furnished by it.

5. At all times mentioned herein, the defendant, Yale University d/b/a Yale School of Medicine, was a specially chartered corporation located in New Haven, Connecticut, that owned, operated, maintained, directed, and staffed the Yale School of Medicine and employs persons engaged in the practice of medicine who comprise the medical staff and department membership of defendant Yale New Haven Hospital, Inc. .

6. At all times mentioned herein, the defendant, Yale University d/b/a Yale Medical Group, was a multi-specialty group medical practice consisting of faculty members of the defendant, Yale University d/b/a Yale School of Medicine.

7. At all times mentioned herein, the defendant, Megan McCarthy, M.D. was a postdoctoral fellow in Obstetrics and Gynecology and a duly authorized agent, servant, and/or employee of the defendant, Yale New Haven Hospital, Inc. acting within the scope and course of her employment and/or fellowship.

8. At all times mentioned herein, Megan McCarthy, M.D., was a postdoctoral fellow in Obstetrics and Gynecology and a duly authorized agent, servant, and/or employee of the defendant, Yale University d/b/a Yale School of Medicine and was acting within the scope and course of her employment and/or fellowship.

9. At all times mentioned herein, Megan McCarthy, M.D. was a postdoctoral fellow in Obstetrics and Gynecology and a duly authorized agent, servant and/or employee of

the defendant, Yale University d/b/a Yale Medical Group and was acting within the scope and course of her employment and/or fellowship.

10. The defendant, Megan McCarthy, M.D. was one of the obstetrician-gynecologists who was responsible for interpreting the Level II ultrasound (hereinafter "ultrasound") that Rachael Jacovino, mother of the plaintiff's decedent Vincent J. Jacovino, underwent at Yale New Haven Hospital Division of Maternal Fetal Medicine located at Long Wharf in New Haven, Connecticut on July 3, 2013.

11. The ultrasound was administered by duly authorized agents, servants and/or employees of the defendant, Yale New Haven Hospital, Inc.

12. The ultrasound was administered by duly authorized agents, servants and/or employees of the defendant, Yale University d/b/a Yale School of Medicine.

13. The ultrasound was administered by duly authorized agents, servants and/or employees of the defendant, Yale University d/b/a Yale Medical Group.

14. The ultrasound was interpreted by the defendants, Anna Sfakianki, M.D., M.P.H., and Megan McCarthy, M.D.

15. According to the defendants' medical records, the ultrasound revealed that the umbilical cord showed a normal insertion into the placenta.

16. No follow-up was performed with respect to cord insertion due to the ultrasound being read as a normal cord insertion.

17. On November 11, 2013, Rachael Jacovino began hemorrhaging at her home.

18. On November 11, 2013, Rachael Jacovino presented to St. Mary's Hospital in Waterbury where an emergency Cesarean section was performed.

19. On November 11, 2013 at approximately 9:44 p.m., a baby boy, Vincent J. Jacovino, was born to Rachael and Vincent M. Jacovino.

20. According to the St. Mary's Hospital medical records, Rachael Jacovino was diagnosed with velamentous cord insertion and vasa previa.

21. As a result of the undiagnosed and untreated velamentous cord insertion and vasa previa, Vincent J. Jacovino suffered a severe brain injury.

22. On November 13, 2013, Vincent J. Jacovino died.

23. Baby Boy Vincent J. Jacovino's injuries and death were caused by the failure of the defendant, Megan McCarthy, M.D., to exercise reasonable care under all of the facts and circumstances then and there present in that:

- a. She failed to properly interpret the July 3, 2013 ultrasound performed on Rachael Jacovino with regard to Baby Boy Vincent J. Jacovino;
- b. She failed to recognize that the July 3, 2013 ultrasound performed on Rachael Jacovino with regard to Baby Boy Vincent J. Jacovino revealed a velamentous cord insertion;
- c. She failed to follow up on the July 3, 2013 ultrasound performed on Rachael Jacovino with regard to Baby Boy Vincent J. Jacovino;
- d. She failed to properly diagnose vasa previa with regard to Rachael Jacovino's pregnancy with Baby Boy Vincent J. Jacovino;

- e. She failed to properly treat vasa previa with regard to Rachael Jacovino's pregnancy with Baby Boy Vincent J. Jacovino;
- f. She failed to possess the requisite knowledge, skill and experience to adequately and properly care for, treat, diagnose, and monitor Rachael Jacovino's pregnancy with Baby Boy Vincent J. Jacovino.

24. As a result of the carelessness and negligence of the defendant, Megan McCarthy, M.D., the plaintiff's decedent, Baby Boy Vincent J. Jacovino (hereinafter "plaintiff's decedent") suffered the following severe, serious and permanent injuries:

- a. severe brain damage;
- b. hypoxic-ischemic encephalopathy;
- c. Metabolic acidosis;
- d. Hypotension;
- e. Seizures;
- f. Apnea;
- g. Hyperglycemia;
- h. Pain and suffering;
- i. Loss of chance of survival;
- j. Complete destruction of ability to carry on and enjoy life's activities;
- k. Death.

25. As a further result of the carelessness and negligence of the defendant, Megan McCarthy, M.D., Vincent M. Jacovino, Administrator of the Estate of Vincent J.

Jacovino, has been forced to expend considerable sums of money for medical and hospital bills, diagnostic tests, and medication all to his financial loss.

26. As a further result of the carelessness and negligence of the defendant, Megan McCarthy, M.D., Vincent M. Jacovino, Administrator of the Estate of Vincent J. Jacovino, has been forced to pay for funeral and burial expenses.

27. As a further result of the carelessness and negligence of the defendant, Megan McCarthy, M.D., the plaintiff's decedent's earning capacity has been completely destroyed.

28. This action is brought pursuant to Connecticut General Statutes Section 52-555.

SIXTH COUNT: (vs. Yale New Haven Hospital)

1-28. Paragraphs One through Twenty Eight, inclusive, of the Fifth Count, is incorporated by reference as paragraphs One through Twenty Eight, inclusive, of the Second Count as if fully set forth herein.

29. At the time of this event, the defendant, Megan McCarthy, M.D., was an agent, servant and/or employee of defendant Yale New Haven Hospital, Inc, acting in the course and scope of her employment and/or fellowship and as a consequence, the defendant, Yale New Haven Hospital, Inc. is legally liable to the plaintiff for Dr. McCarthy's acts and omissions.

SEVENTH COUNT: (vs. Yale University d/b/a Yale School of Medicine)

1-28. Paragraphs One through Twenty Eight, inclusive, of the Fifth Count, is incorporated by reference as paragraphs One through Twenty Eight, inclusive, of the Second Count as if fully set forth herein.

29. At the time of this event, the defendant, Megan McCarthy, M.D., was an agent, servant and/or employee of defendant Yale University d/b/a Yale School of Medicine acting in the course and scope of her employment and/or fellowship and as a consequence, the defendant, Yale University d/b/a Yale School of Medicine is legally liable to the plaintiff for Dr. McCarthy's acts and omissions.

EIGHTH COUNT: (vs. Yale University d/b/a Yale Medical Group)

1-28. Paragraphs One through Twenty Eight, inclusive, of the Fifth Count, is incorporated by reference as paragraphs One through Twenty Eight, inclusive, of the Second Count as if fully set forth herein.

29. At the time of this event, the defendant, Megan McCarthy, M.D., was an agent, servant and/or employee of defendant Yale University d/b/a Yale Medical Group acting in the course and scope of her employment and/or fellowship and as a consequence, the defendant, Yale University d/b/a Yale Medical Group is legally liable to the plaintiff for Dr. McCarthy's acts and omissions.

WHEREFORE, the plaintiff claims money damages.

THE PLAINTIFF,
VINCENT M. JACOVINO, ADMINISTRATOR
OF THE ESTATE OF VINCENT J. JACOVINO

By: 918917

Pamela Levin Cameron
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STATEMENT OF AMOUNT IM DEMAND

The amount of money damages claimed is greater than Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

THE PLAINTIFF,
VINCENT M. JACOVINO, ADMINISTRATOR
OF THE ESTATE OF VINCENT J. JACOVINO

By: 418917
Pamela Levin Cameron
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UNIVERSITY D/B/A YALE MEDICAL GROUP: SEPTEMBER 22, 2015

CERTIFICATE OF GOOD FAITH

I hereby certify that I have made a reasonable inquiry, as permitted by the circumstances, to determine whether there are grounds for a good faith belief that there has been negligence in the care and treatment of the plaintiff's decedent, Vincent J. Jacovino, by the named defendants, Anna Sfakianaki, M.D., Yale New Haven Hospital, Inc., Yale University d/b/a Yale School of Medicine, Yale University d/b/a Yale Medical Group, and Megan McCarthy, M.D.. This inquiry has given rise to a good faith belief on my part that grounds exist for an action against the named defendants.

THE PLAINTIFF,
VINCENT M. JACOVINO, ADMINISTRATOR
OF THE ESTATE OF VINCENT J. JACOVINO

By 418917

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Juris No.: 408519
His Attorneys

CERTIFICATION

I certify that a copy of this document was mailed or delivered electronically or non-electronically on September 22, 2015 to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Eric Stockman, Esq.
Neubert Pepe & Monteith, P.C.
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New Haven, CT 06510

Ms. Megan McCarthy
170 W. Dayton Street, #1014
Pasadena, CA 91105-4517

By 418917
Pamela L. Cameron, Esq.
Commissioner of the Superior Court