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Wednesday, February 19, 2020

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## Breaking News



### \$15 Million Lawsuit Filed In Case Of Local Woman Who Died After Abortion

Wednesday, August 14, 2002



The family of a Hamilton County woman who died after getting an abortion in Knoxville is suing the clinic there for \$15 million.



Chattanooga attorney Hoyt Samples filed the suit in Hamilton County Circuit Court in behalf of the estate of Brenda C. Vise.



Ms. Vise, who was a 38-year-old pharmaceutical representative, died last Sept. 12 after having an abortion at the Volunteer Women's Clinic.

The suit is filed against the clinic and Dr. Edgar Perry and Richard Manning.

It asks \$5 million in compensatory damages and \$10 million in punitive damages.



The suit says the clinic did not discern that Ms. Vise was having a tubal pregnancy, and it says her body was filled with infection from that type pregnancy that was not treated.

It says she was given a chemical at the Knoxville clinic and sent home to Chattanooga.

She contacted the clinic several times and was told her symptoms were normal, it was stated.

She was finally taken to a Chattanooga hospital by her boyfriend, but it was too late to save her, attorney Samples said.

Here is the complete lawsuit:

THE ESTATE OF BRENDA C. ) JURY DEMAND  
 VISE, )  
 ) No.  
 Plaintiff )  
 ) IN THE CIRCUIT COURT OF  
 Vs. )  
 ) HAMILTON COUNTY, TENNESSEE  
 VOLUNTEER WOMEN'S MEDICAL, )  
 CLINIC, L.L.C., EDGAR E. )  
 PERRY, M.D. and RICHARD O. )  
 MANNING, M.D. )

) DIVISION  
Defendant )

## COMPLAINT

The Estate of Brenda C. Vise states the following for its complaint against Volunteer Women's Medical Clinic, L.L.C. (the Clinic), Ed Perry, M.D. (Perry) and Richard O. Manning, M.D. (Manning) (all sometimes collectively referred to as  $f\pm$ Defendants):

1. Brenda C. Vise was a resident of Hamilton County, Tennessee at all times relevant to these proceedings and died in Hamilton County, Tennessee on September 12, 2001, as a direct and proximate result of Defendants acts and omissions. By Letters Testamentary issued on October 19, 2001, Mattie L. Vise, Regina Perry and Mark A. Ramsey were named as Co-Administrators of the estate of Brenda C. Vise. Mark A. Ramsey has since resigned as a co-administrator, and been replaced by Stephen S. Duggins.
2. At the time of her death, Brenda C. Vise was not married and had no children. Mattie L. Vise is the mother of the decedent and is the surviving next of kin.
3. Volunteer Womens Medical Clinic, L.L.C. is located at 313 Concord Street, Knoxville, Tennessee 37919, and was formerly known as Volunteer Medical Clinic, Inc. The Clinic has continued to market itself under the name Volunteer Medical Clinic and the Clinic is in the same location as Volunteer Medical Clinic. Perry and Manning are medical doctors and are affiliated with the Clinic. Perry and Manning are responsible for attending to the medical needs of the Clinic's patients and ensuring that appropriate care and advice are made available to the Clinic's patients.
4. Pursuant to T.C.A.  $f_u48-24-201$ , Volunteer Medical Clinic, Inc. ( $f\pm VMCf^o$ ) was administratively dissolved by the Tennessee Secretary of State because of its failure to comply with applicable law. VMC has been administratively dissolved by the Tennessee Secretary of State since September 17, 1999.
5. VMC violated T.C.A.  $f_u48-24-202(c)$  in that it continued to market and promote its business activities even after having been notified of its dissolution by the Tennessee Secretary of State.
6. The Clinic actively solicits residents of Hamilton County, Tennessee to utilize the services of the Clinic. Attached hereto as Collective Exhibit 1 are ads placed by the Clinic and/or VMC in the Chattanooga, Hamilton County, Tennessee yellow pages.
7. As a part of its marketing activities, the Clinic solicits patients for abortion services including chemical abortions.
8. On or about September 5, 2001, Brenda C. Vise (Ms. Vise) learned that she was pregnant through a home pregnancy test. Ms. Vise was born on June 24, 1963, and was 38 years of age at the time.
9. At such time, Ms. Vise was a professional person serving as a pharmaceutical representative, earning a substantial income. In reliance upon marketing materials provided by the Clinic, Ms. Vise made an appointment with the Clinic for Friday, September 7, 2001.
10. While at the Clinic on Friday, September 7, 2001, in Knoxville, Tennessee, Ms. Vise was administered a pregnancy test which confirmed her pregnancy. In addition, she was given an ultrasound examination. Ms. Vise was advised that the ultrasound showed no fetus in the uterus. Clinic personnel explained that this was because the fetus was "too small to be seen." It was estimated that Ms. Vise was approximately six weeks pregnant. By such point in her pregnancy, a fetus in the uterus would have been easily seen with a proper ultrasound examination.
11. The Clinic advised Ms. Vise about a chemical abortion which would avoid a surgical abortion procedure.
12. Ms. Vise was advised that two different medications were required to complete a chemical abortion. While at the clinic on or about September 7, 2001, Clinic personnel prescribed Mifeprex to Ms. Vise. Mifeprex is also known as RU-486 and is commonly referred to as the "abortion pill."
13. Mifeprex is not to be administered if it has been more than 49 days since a woman's last menstrual period began. Mifeprex is also not to be administered if there is a suspicion that the pregnancy is outside the uterus. Such condition is commonly referred to as an ectopic or tubal pregnancy.
14. Anywhere from one-half to one percent of pregnancies are ectopic and an untreated ectopic pregnancy is usually fatal. It is therefore extremely important to determine if an ectopic pregnancy is present. If so, immediate action needs to be taken and in no event should Mifeprex be administered.
15. Ms. Vise was advised by the Clinic that side effects of Mifeprex were mild and short-lived. Mifeprex operates by blocking a hormone needed for a woman's pregnancy to continue.
16. The administration of Mifeprex can, in and of itself, cause an abortion, but normally it is a requirement that a second drug be taken approximately 48 hours after the administration of Mifeprex.
17. Prior to administering the second chemical, a patient should be checked to determine if



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she is still pregnant. If so, then two additional tablets are to be administered. If the woman is not still pregnant, no additional medication should be given. However, the Clinic instructed Ms. Vise to take the second medication at her home with no follow-up examination to determine if she was still pregnant after taking the first medication.

18. Contrary to information provided by the Clinic, nearly all women who receive Mifeprex will report adverse reactions.

19. The Clinic did not schedule another appointment with Ms. Vise until approximately two weeks after the initial administration of the drug Mifeprex. Specifically, the clinic failed to schedule a follow-up appointment with Ms. Vise approximately two days after administering the Mifeprex. Ms. Vise should have been checked two days after being given Mifeprex. However, it was in the Clinic's best economic interest to direct the taking of the second drug even if such drug was not needed. In addition, the Clinic failed to provide the name of any physician or healthcare provider that Ms. Vise should see within two to three days after the administration of Mifeprex to determine its effect on her.

20. The activities of Clinic personnel with respect to the care and treatment of Ms. Vise were supposed to be under the supervision of a qualified physician. Dr. Perry and/or Dr. Manning were supposed to be such physicians for Ms. Vise.

21. In September, 2000 the Federal Food and Drug Administration approved the drug Mifeprex for the termination of very early pregnancy. The Clinic had been engaged in chemical abortions for less than one year at the time Ms. Vise was a Clinic patient.

22. Under the Federal Food and Drug Administration Regulations, Mifeprex can only be provided by or under the supervision of a physician who is able to assess the duration of pregnancy accurately and who is able to diagnose ectopic pregnancies. Such physician must also have the ability to provide surgical intervention in cases of incomplete abortion or severe bleeding or have made plans to provide such care through other qualified physicians and be able to assure patient access to medical facilities equipped to provide blood transfusions and resuscitation. Ms. Vise was never advised of these requirements.

23. Ms. Vise was never advised of who such "qualified physicians" were and, in fact, Ms. Vise was specifically advised that she would have to return to Knoxville rather than consulting a local physician or hospital in the event of any complication.

24. Because Mifeprex in and of itself does not regularly result in a complete chemical abortion, the Clinic also required Ms. Vise to take a second drug known as Cytotec.

25. Cytotec was originally developed by G. D. Searle & Co. to prevent gastric ulcers in people who take anti-inflammatory drugs for conditions such as arthritis. This drug was approved by the Federal Food and Drug Administration solely for this use in 1988. The Federal Government has never approved Cytotec for use in pregnant women and specifically has not approved it in pregnant women for the purpose of inducing an abortion, and in fact has warned against such use.

26. In August, 2000, the manufacturer of Cytotec specifically issued a letter to healthcare providers that Cytotec was contraindicated in women who are pregnant and that Cytotec was not approved for the induction of labor or abortion, and in fact should not be used in an abortion. Ms. Vise was never advised of these facts.

27. The use of Cytotec in conjunction with RU-486 (Mifeprex) is known as an "off-label use." The manufacturer of Cytotec had specifically warned that the off-label use of Cytotec in women had resulted in serious side effects, including death. The Clinic was aware of such serious side effects but failed to provide such information to Ms. Vise.

28. Cytotec is a powerful drug which can cause uterine contractions and the purpose of the drug as utilized by the Clinic was to expel the uterine contents, including the fetus, as a part of a chemical abortion. However, Ms. Vise was never advised that the manufacturer of the drug had strongly recommended that it not be used for abortions and that, in fact, the Food and Drug Administration had not approved Cytotec for such use.

29. After receiving the initial dose of Mifeprex at the Clinic in Knoxville, Ms. Vise returned to her home in Chattanooga, Tennessee.

30. After returning home, Ms. Vise began experiencing problems. The Clinic was contacted and Clinic personnel advised that all of Ms. Vise's symptoms were "normal and routine." Multiple calls were placed to the Clinic as Ms. Vise continued to suffer and her condition worsened, and in every instance Ms. Vise was advised that her symptoms were normal and routine. Such advice should have been rendered in consultation with a medical doctor. All such calls were made while Ms. Vise was at her home in Hamilton County, Tennessee. Such medical advice was rendered in Hamilton County, Tennessee and such advice was the proximate cause of Ms. Vise's death.

31. In accordance with the Clinic directive, Ms. Vise was administered the Cytotec approximately 48 hours after the Mifeprex had been given at the Clinic. Ms. Vise was not advised that she should have returned to the Clinic to be checked prior to administration of the Cytotec, and in fact the Clinic made no such appointment for her.

32. Ms. Vise's medical condition continued to worsen and the Clinic advised her to take different medications for pain and for nausea. Again, all such advice was rendered to Ms. Vise in Hamilton County, Tennessee, and should have been supervised by a medical doctor.

33. During this period of time, the Clinic was advised that Ms. Vise's body temperature was substantially below normal, that she was pale and was having substantial pelvic pain.

Instead of advising Ms. Vise to immediately proceed to a doctor, the Clinic continually assured her that all of these were normal symptoms and that she was not to be concerned. All such advice was rendered to Ms. Vise in Hamilton County, Tennessee.

34. On Monday, September 10, 2001, Ms. Vise's medical condition had continued to deteriorate. Despite a specific description of symptoms the Clinic continued to advise that all her symptoms were "to be expected." Such advice was rendered in Hamilton County, Tennessee and should have been rendered under the supervision of a medical doctor.

35. As Ms. Vise's condition continued to worsen she was finally advised to come to Knoxville for a 3:30 p.m. appointment on Monday, September 10, 2001. She was specifically directed not to go to a hospital in Chattanooga because, according to the Clinic, no hospital in Chattanooga would have knowledge about the drugs that had been administered. Such advice was rendered to Ms. Vise in Hamilton County, Tennessee.

36. Ms. Vise's boyfriend attempted to transport Ms. Vise to Knoxville, but was unable to do so and contacted an ambulance service which immediately transported Ms. Vise to a hospital in Chattanooga.

37. Ms. Vise was immediately admitted to the hospital in very critical condition. Exploratory surgery revealed that Ms. Vise had had an ectopic (tubal) pregnancy which had ruptured. Such rupture led to massive infection and a collapse of her vital systems. Such ectopic pregnancy should have been discovered by the Defendants and Ms. Vise should have immediately been referred to competent medical personnel who could have removed the tubal pregnancy before it ruptured. Such procedures are almost always successful, whereas an untreated tubal pregnancy which ruptures is almost always fatal.

38. On September 12, 2001, the attending physician certified that Ms. Vise was terminal with no reasonable medical prospect of recovery and was in a coma and totally unresponsive. Ms. Vise died later that day.

39. Ms. Vise had entered into a contractual arrangement with the Clinic for it to provide medical services and support consistent with the standard of care required at facilities making use of chemical abortion techniques.

40. The Defendants were negligent in that they failed to detect Ms. Vise's ectopic pregnancy.

41. The Defendants were negligent in not referring Ms. Vise to competent medical personnel for the removal of her ectopic pregnancy.

42. The Defendants were negligent in administering Mifeprex to a woman with an ectopic pregnancy.

43. The Defendants were negligent in prescribing Cytotec for a woman with an ectopic pregnancy.

44. The Defendants were negligent in failing to examine Ms. Vise prior to administering Cytotec after the administration of Mifeprex.

45. The Defendants failed to give Ms. Vise informed consent that the manufacturer of Cytotec had specifically stated that such drug should not be used to induce abortions and that there had been serious side effects relating to such use including death.

46. The Defendants were negligent in not arranging for medical care in the community where Ms. Vise was located and not referring her to competent medical personnel when her condition continued to worsen.

47. The Defendants were negligent in not detecting the ectopic pregnancy and in not recognizing the symptoms of an ectopic pregnancy. Specifically, a positive pregnancy test but no ultrasound determination of a fetus in the uterus are compelling signs of an ectopic pregnancy.

48. The Defendants were negligent by continuing to reassure Ms. Vise that all of her symptoms and deteriorating health were normal and to be expected.

49. The Defendants were negligent in failing to diagnose that the symptoms being reported by Ms. Vise were consistent with an ectopic pregnancy which required immediate medical intervention.

50. The Defendants were negligent in failing to promptly refer Ms. Vise to medical care for her deteriorating condition.

51. The Defendants were negligent in requiring Ms. Vise to return to Knoxville, Tennessee for follow-up medical care when her medical condition warranted immediate intervention in Chattanooga, Tennessee.

52. The Clinic was negligent in not having a qualified physician immediately review the symptoms and deteriorating condition of Ms. Vise, or if such was done, Perry and Manning were negligent in not diagnosing Ms. Vise's condition.

53. The Clinic was grossly negligent by stating that no healthcare provider in the Chattanooga, Tennessee area would be able to deal with her condition, and that she should not go to any such provider.

54. The Defendants' acts in refusing to refer Ms. Vise to a medical provider in Chattanooga, Tennessee in an effort to cover up their negligence constitute outrageous conduct and gross negligence.

55. The Defendants were grossly negligent in pursuing their own economic interests rather than caring for their patient.

56. The Defendants' willful and wanton disregard for the best interest of their patient,

Brenda C. Vise, warrant the imposition of punitive damages.

57. Ms. Vise died as a direct and proximate result of the above-described acts of breach of contract, negligence, gross negligence and wanton misconduct, and Defendants' failure to comply with the standard of care required of similar clinics, health care providers and physicians in the community.

58. As a direct and proximate result of the Defendants' actions and/or omissions as described above, the Estate of Brenda C. Vise brings this suit to recover for the mental and physical suffering, loss of time and necessary expenses incurred as a result of Brenda C. Vise's death and also for damages sustained by Mattie Vise as next of kin of Brenda Vise. Without limiting any of the foregoing, Plaintiff also seeks the full and fair value of the pecuniary value of Brenda C. Vise's life, including loss of consortium, as well as all expenses relating to her death including, but not limited to, funeral expenses, loss of future income, loss of benefits and all related items.

WHEREFORE, Plaintiff prays the following:

- (a) That summons and process be issued and that the Defendants be required to appear and answer within the time required by law;
- (b) That at the hearing of the trial of this matter that the Plaintiff be awarded compensatory damages in an amount of at least Five Million Dollars;
- (c) That the Plaintiff receive full and fair compensation as a result of the death of Brenda C. Vise;
- (d) That at the hearing of the trial of this matter that the Plaintiff be awarded punitive damages in an amount of at least Ten Million Dollars to deter the Defendants from further acts of gross or wanton negligence;
- (e) That the court costs of the action be taxed against the Defendant;
- (f) That a jury of twelve persons be assembled to hear all issues in this case; and
- (g) That the Plaintiff receive such other and further relief as to which it may be entitled.

SAMPLES, JENNINGS & GIBBONS, P.L.L.C.

By: \_\_\_\_\_  
(Hoyt O. Samples)  
BPR No. 6765

By: \_\_\_\_\_  
(Michael S. Jennings)  
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COST BOND

The undersigned acknowledges and hereby binds the undersigned for the payment of all costs in this Court which may at any time be adjudged against the Plaintiff, in the event said Plaintiff shall not pay the sum if so ordered by this Court.  
Witness my hand this the of , 2002.

SAMPLES, JENNINGS & GIBBONS, P.L.L.C.

By: \_\_\_\_\_  
(Hoyt O. Samples)  
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**Latest Hamilton County Arrest Report**

**AUDIO: County Commission Meeting 2/19/2020**

**Red Bank Commission Hears Pleas For Construction Project Extensions; Joe Glasscock, Richard Floyd To Be Honored**

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(click for more)

Red Banks Commissioners on Tuesday night heard two requests for being given more time to complete construction projects. Developers for a new climate-controlled storage facility that is ... (click for more)



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**Latest Hamilton County Arrest Report**

Here is the latest Hamilton County arrest report: ALLEN, ROBERT LEE 727 E 11TH ST CHATTANOOGA, 37403 Age at Arrest: 30 years old Arresting Agency: Chattanooga Booked for Previous Charges or Other Reason(s) --- ARNOLD, JIMMY L 905 BURNETT RD SODDY DAISY, 37379 Age at Arrest: 27 years old Arresting Agency: Soddy Daisy INTERFERENCE WITH EMERGENCY CALLS AGGRAVATED ... (click for more)

**School Board Needs More Leaders, Not Followers**

It is disappointing that Superintendent Dr. Bryan Johnson's contract is being prematurely extended and that the amount of his compensation package has been significantly increased based on hopes of performance improvements. The disfunction of the School Board's discussion Monday night is reason enough for Thursday night's vote to be reconsidered or delayed. Dr. Johnson is the ... (click for more)

**Tennessee's Trey Smith Named Jason Witten Man Of The Year**

Tennessee junior offensive lineman Trey Smith was named the 2020 Jason Witten Collegiate Man of the Year by a subset of the award's Board of Directors on Tuesday night at the Star in Frisco, the practice facility of the Dallas Cowboys. The Jason Witten Collegiate Man of the Year Award is presented annually to the Division I college football player who has demonstrated a record ... (click for more)

**AUDIO: County Commission Meeting 2/19/2020**

(click for more)

**Roy Exum: The Super's 25% Sham**

I was talking to some fellas the other day - and these are pretty smart country boys - and posed this question: if a man was getting paid a base salary of \$197,000, and then had a chance to jump to \$240,000, what would be the percentage of ol' Slick's increase? One pulled out his cell phone and punched it, erased it, and punched some more. "Well, this thing says that if you had ... (click for more)

**Hoops Central: Lady Vols At #25 Arkansas On Thursday**

Tennessee (17-8, 7-5 SEC), which is receiving votes in this week's AP and USA TODAY Coaches Polls, will travel to Fayetteville, Arkansas, where it will meet the No. 22/25 Arkansas Razorbacks (20-5, 8-4 SEC) on Thursday at 6:02 p.m. CT (7:02 ET) at Bud Walton Arena. The Lady Vols enter the contest in seventh place in the SEC standings and a game back of UA, which is tied for ... (click for more)

**Red Bank Commission Hears Pleas For Construction Project Extensions; Joe Glasscock, Richard Floyd To Be Honored**

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**Leadership Summit On The Horizon To Be Held For Middle And High School Girls**

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**Pink! Sets Fundraising Record**

**Cempa Community Care Adds Nurse Practitioner Amy Farlett**

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**2020-2021 Migratory Gamebird Hunting Seasons To Be Set At February Commission Meeting**

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