

MISSISSIPPI INJURY LAWYER BLOG

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- DUI Accidents (4)
- Accidents (12)
- Insurance Lawsuits (2)
- Product Liability (7)
- Medical Malpractice (5)
- Sports Injuries (1)
- Government Liability (1)
- Workers Compensation (1)
- Wrongful Death (5)

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« Previous | Home | Next »

Jackson, MS Couple Victorious in Medical Malpractice Lawsuit Regarding Doctor's Refusal to Complete Pregnancy Termination Procedure

January 11, 2012, by **Robert N. Katz, Esq.**

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Normally, a medical malpractice lawsuit involves several factors, including proving the applicable standard of care, securing witnesses, confirming the facts of the incident, determining the extent of the patients injury or damages, and preparing for trial. However in the case of one Jackson, Mississippi couple, these factors did not apply. In a sense the resolution of this case was to the advantage of this couple, but in some ways it is a testimonial to the severe injury and pain that this couple clearly suffered.

On Tuesday January 10, 2012, Hinds County, Mississippi Judge Bill Gowan awarded Daschica Thomas and her husband, Christopher Thomas of Jackson, Mississippi \$600,435 in a lawsuit arising from a pregnancy termination procedure that Mrs. Thomas received in 2003.

According to the **Clarion Ledger**, the Thomas' medical malpractice lawsuit was filed against Dr. Joseph Booker in 2005. At the time Mrs. Thomas received her procedure, Dr. Booker was practicing at what was previously known as the Jackson Women's Health Organization abortion clinic. In addition to Dr. Booker, the lawsuit also names the clinic, the National Women's Health Organization of Jackson, and others as defendants.

Mr. and Mrs. Thomas alleged in their lawsuit that Booker stopped performing the pregnancy termination shortly after starting it and said he was unable to finish it. Dr. Booker recommended that Thomas come back so it could be completed by another doctor. According to the **Clarion Ledger**, the Thomas' complaint states in part: "Booker did not recommend antibiotics to her," according to court papers. Thomas, a diabetic, began cramping and went home, but there "she continued to spot, bleed and she felt dizzy, sick and feverish." As a result of Dr. Booker failing to complete the procedure, Thompson suffered sepsis poisoning, and fell into a coma for a week and half.

Mr. and Mrs. Thomas were saved the possible agony and anguish of reliving their injury at trial because the defendants, Dr. Booker and the Jackson Women's Health Organization failed to respond to their complaint. As a result of the defendants' failure to answer, Judge Gowan entered a default judgment in favor of the plaintiffs, Mr. and Mrs. Thomas.

The **Clarion Ledger** reports that Judge Gowan stated: "As default judgment has been entered, all factual allegations must be taken as true and if those facts establish a legal basis for recovery, plaintiff is entitled to recover. The court does find the factual allegations establish a medical malpractice action and is therefore inclined to award damages." After determining that the defendant was in default, Judge Gowan awarded \$500,000 in non-economic damages to the couple, \$100,000 of which goes to the husband; \$19,820.83 goes to Thomas for lost wages and \$9,700 to her husband for lost wages; \$64,914.60 for Thomas' medical bills; and \$6,000 in punitive damages.

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January 11, 2012

It goes without saying that both Mr. and Mrs. Thomas are pleased by the decision. Their attorney, John Reeves of Jackson stated, "The court was very methodical in its ruling and very fair. Mrs. Thompson and her husband were terribly wronged, and we now have this judgment that we look forward to collecting."

Fortunately for the many women of Jackson, MS, Dr. Booker no longer works for the Jackson Women's Health Organization clinic. It is surprising that any doctor would choose to end a procedure prior to its completion for any reason, and in this case, this injury was further compounded by the doctor's failure to insure that Mrs. Thomas was properly cared for upon her departure from the clinic. As a **Mississippi attorney** who routinely represents individuals in their medical malpractice matters, it is my desire to see the Thomas family receive the full amount of heir award per the judge's order, which is the least they deserve.

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- [August 2011 \(4\)](#)
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- [June 2011 \(2\)](#)
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