

Signature: [REDACTED]

Date: March 6, 2016

KAROLINE SUZANNE PUDER, M.D.

ADDRESS:

Office:

Department of Obstetrics and Gynecology
Hutzel Women's Hospital/Wayne State University
3990 John R
Detroit, MI 48201
[REDACTED]

Home:

[REDACTED]
Southfield, MI 48034
[REDACTED]

PERSONAL DATA:

Birth Date: September 20, 1963

EDUCATION:

Undergraduate:

City College of New York. Sophie Davis School of Biomedical Education.
New York, New York
Seven year B.S./M.D. program.
Bachelor of Science
September 1981-June 1986

Medical:

Mount Sinai School of Medicine
New York, New York
Doctor of Medicine
July 1986-June 1988

Residency:

Mount Sinai Medical Center, Department of Obstetrics and Gynecology
New York, New York
July 1988-June 1992

Fellowship:

Hutzel Hospital/Wayne State University, Maternal-Fetal Medicine
Detroit, Michigan
July 1992-June 1994

MAR 16 2016

ACADEMIC APPOINTMENTS:

Clinical Instructor in Obstetrics and Gynecology, Wayne State University.
Detroit, Michigan
July 1992 - June 1994

Assistant Professor, Obstetrics and Gynecology, Wayne State University.
Detroit, Michigan
July 1994 – July 2009

Associate Professor, Obstetrics and Gynecology, Wayne State University.
Detroit, Michigan
August 2009 – present

Residency Site Coordinator, Sinai-Grace Hospital, Wayne State University.
Detroit, Michigan
July 2000 – 2014

PROFESSIONAL APPOINTMENTS:

Vice Chief, Department of Obstetrics and Gynecology, Sinai-Grace Hospital.
Detroit, Michigan
July, 2003 to December, 2010

Chief of Obstetrics
Hutzel Women's Hospital/Harper University Hospital
Detroit MI
February 2014 - present

MEDICAL STAFF APPOINTMENTS:

Hutzel Hospital	1992 - present
Detroit Receiving Hospital	1992 - present
Harper Hospital	1992 - present
Sinai-Grace Hospital	1994 - present
Huron Valley Hospital	1997 - present

PROFESSIONAL SOCIETY AFFILIATIONS:

American College of Obstetricians and Gynecologist - Fellow

MAR 16 2016

Society for Maternal Fetal Medicine - Regular Member
Michigan State Medical Society - Regular Member
American Institute of Ultrasound in Medicine - Regular Member

LICENSURE:

State of New York Medical License - #179533
State of Michigan Medical License - #059142

BOARD CERTIFICATION:

American Board of Obstetrics and Gynecology, Maternal Fetal Medicine, 1998.
Recertification 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015.
#929468M valid through December 31, 2016.

American Board of Obstetrics and Gynecology, 1996. Recertification 2004, 2005, 2006,
2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015. #929468M valid through December
31, 2016.

National Board of Medical Examiners	Certificate # 33603564
Step 1:	06/10/1986
Step 2:	09/29/1987
Step 3:	03/01/1989

Personal Statement Regarding Prior Medical Malpractice
Karoline Suzanne Puder, MD

I have been in academic practice in Detroit, Michigan since completing my fellowship in Maternal-Fetal Medicine, in 1994. In that time period, two cases have been settled in which I was a named party. In both cases, the hospital/medical center was a co-defendant and dictated decisions regarding settlement.

The first case settled in 2003 and was related to a tubal ligation failure. The postpartum tubal ligation was performed in the usual manner and segments of the tubes were sent to pathology for exam. Review of the results showed that one tube may not have been ligated. The patient was contacted and informed. She was told to use alternative contraception and to come for follow up. She did not return, but did come to the emergency department stating that she had been told of this concern. She was instructed to follow-up in the gynecology office for further management, which she did not do. She then became pregnant, chose to have a termination, and ultimately had a laparoscopic tubal ligation. The case was settled for business purposes and I have a non-consent policy.

The second case in which I was named, I served as a consultant and not the primary caregiver. That case settled in 2013 and is referenced in the DataBank report. This matter is related to a diagnosis of vasa previa made in the midtrimester. The patient was counseled by me and her care was otherwise performed by her primary obstetrician. She had a hospital admission for preterm contractions. She was discharged from the hospital by her OB and with follow up with her OB. She agreed to discharge and outpatient follow up. She reported that she lived near the hospital, had transportation, had another adult in the house, and wished to be at home. She did not follow up with me, as recommended and presented with bleeding. Her child subsequently has developmental delay. The DataBank report is inaccurate, because the child was still alive at the time of the litigation (and I have no knowledge of a change in status). I was included as a defendant because I did not force her to stay in the hospital. I was not the discharging physician. Standard of care did not dictate inpatient management. This case was settled for business purposes due to hospital corporate concerns about excessive award at trial due to the child's developmental delay and the prevailing malpractice environment in the area. I had a non-consent policy for this, as well.

MAR 16 2016



SUMMONS AND
RETURN OF SERVICE

COURT
ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226

COURT
TELEPHONE NO. (313) 224-

THIS CASE ASSIGNED TO JUDGE: Isidore Torres

Bar Number: 28455

PLAINTIFF

DEFENDANT

BREECH, MICHELE, As Next Friend

VS

BRAR, GAGANDEEP, M.D.

PLAINTIFF'S ATTORNEY

McKeen, Brian J.
(P-34123)
645 Griswold St Ste 4200
Detroit, MI 48226-4210

CASE FILING FEE		JURY FEE
Paid		Paid
ISSUED	THIS SUMMONS EXPIRES	DEPUTY COUNTY CLERK
03/23/2009	06/22/2009	Pamela Oliver

*This summons is invalid unless served on or before its expiration date.

Cathy M. Garrett - Wayne County Clerk

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

- You are being sued.
- YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
- If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The docket number and assigned judge of the civil/domestic relations action are:

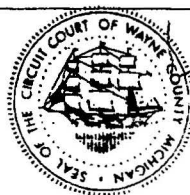
Docket no.	Judge	Bar no.

The action remains is no longer pending.

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date

Brian McKeen
Signature of attorney/plaintiff



COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
THIRD CIRCUIT COURT



SUMMONS AND
RETURN OF SERVICE

BREECH, MICHELE, As Next Friend,
Hon. Isidore Torres 03/23/2009



09-006715-N1

COURT
ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226

COURT
TELEPHONE NO. (313) 224-

*received
4/30/09*

THIS CASE ASSIGNED TO JUDGE: Isidore Torres

Bar Number: 20145

PLAINTIFF

DEFENDANT

BREECH, MICHELE, As Next Friend VS

DETROIT MEDICAL CENTER

PLAINTIFF'S ATTORNEY

McKeen, Brian J.
(P-34123)
645 Griswold St Ste 4200
Detroit, MI 48226-4210

*3740 John R
Detroit, MI 48201*

CASE FILING FEE

Paid

JURY FEE

Paid

ISSUED

03/23/2009

THIS SUMMONS EXPIRES

06/22/2009

DEPUTY COUNTY CLERK

Pamela Oliver

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Cathy M. Garrett - Wayne County Clerk

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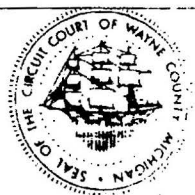
Docket no.	Judge	Bar no.

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Date _____

Signature of attorney/plaintiff _____



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MAR 18 2009

STATE OF MICHIGAN
THIRD CIRCUIT COURT



SUMMONS AND
RETURN OF SERVICE

CASE NO. 09-006715-UI

BREECH, MICHELE, As Next Friend,
Hon. Isidore Torres 03/23/2009



09-006715-NI

TELEPHONE NO. (313) 224-

COURT
ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226

THIS CASE ASSIGNED TO JUDGE: Isidore Torres

Bar Number: 28455

PLAINTIFF

DEFENDANT

BREECH, MICHELE, As Next Friend VS

STNAI GRACE HOSPITAL DBA

PLAINTIFF'S ATTORNEY

6767 W Outer Drive
6071 W Outer Drive
Detroit, MI 48226

McKean, Brian J.
(P-34123)
645 Griswold St Ste 4200
Detroit, MI 48226-4210

CASE FILING FEE		JURY FEE
Paid		Paid
ISSUED	THIS SUMMONS EXPIRES	DEPUTY COUNTY CLERK
03/23/2009	06/22/2009	Pamela Oliver

*This summons is invalid unless served on or before its expiration date. Cathy M. Garrett - Wayne County Clerk

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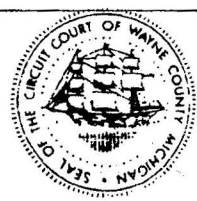
The docket number and assigned judge of the civil/domestic relations action are:

Docket no.	Judge	Bar no.

The action remains is no longer pending.

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date _____ Signature of attorney/plaintiff _____



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If you require special accommodations to use the court because of disabilities, please contact the court immediately to make an arrangement.



SUMMONS AND RETURN OF SERVICE

BRECH, MICHELE, As Next Friend, Hon. Isidore Torres 03/23/2009



09-006715-NI

COURT ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226

COURT TELEPHONE NO. (313) 224-

received 4/30/09

THIS CASE ASSIGNED TO JUDGE: Isidore Torres

Bar Number: 28455

PLAINTIFF

DEFENDANT

BRECH, MICHELE, As Next Friend

VS

DMC PRIMARY CARE SERVICE II

PLAINTIFF'S ATTORNEY

*3990 John R One Harper/Bou
Detroit, MI 48201*

McKeon, Brian J.
(313) 541233
145 Griswold St Ste 4200
Detroit, MI 48226-4210

CASE FILING FEE		JURY FEE	
Paid		Paid	
ISSUED	THIS SUMMONS EXPIRES	DEPUTY COUNTY CLERK	
03/23/2009	06/22/2009	Diana Oliver	
This summons is invalid unless served on or before its expiration date.		Cathy M. Garrett - Wayne County Clerk	

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

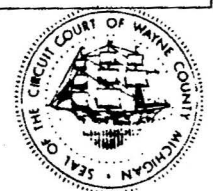
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 Docket number and assigned judge of the civil/domestic relations action are:

Docket no.	Judge	Bar no.

The action remains is no longer pending.

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Signature of attorney/plaintiff



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STATE OF MICHIGAN
THIRD CIRCUIT COURT



SUMMONS AND
RETURN OF SERVICE

CASE NO.

BREECH, MICHELE, As Next Friend,
Hon. Isidore Torres 03/23/2009



09-006715-NI

COURT
ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226

COURT
TELEPHONE NO. (313) 224-

*received
4/13/09*

THIS CASE ASSIGNED TO JUDGE: Judge Torres

Bar Number: 28455

PLAINTIFF

DEFENDANT

BREECH, MICHELE, As Next Friend, et al

NORTHWEST WOMEN CARE DBA

PLAINTIFF'S ATTORNEY

*3990 John R - One Harper/Brust
Detroit, MI 48201*

McEwen, Isidore J.
7P-3412
675 Woodward St Ste 4200
Detroit MI 48226-4210

CASE FILING FEE

JURY FEE

Null

Paid

ISSUED

THIS SUMMONS EXPIRES

DEPUTY COUNTY CLERK

03/23/2009

06/22/2009

Emuela Oliver

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Cathy M. Garrett - Wayne County Clerk

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

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The docket number and assigned judge of the civil/domestic relations action are:

Docket no.	Judge	Bar no.

The action remains is no longer pending.

declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date _____ Signature of attorney/plaintiff _____



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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MICHELE BREECH, as Next Friend
of [REDACTED] JR., a Minor,

Plaintiff,

BREECH, MICHELE, As Next Friend,
Hon. Isidore Torres 03/23/2009

vs.



09-006715-NI

LISA LYNN CARDWELL, M.D.,
DMC PRIMARY CARE SERVICE II
d/b/a NORTHWEST WOMEN'S CARE,
KAROLINE PUDER, M.D.,
GAGANDEEP BRAR, M.D.,
KEY-CHYANG LIANG, M.D.
SINAI HOSPITAL OF GREATER DETROIT
D/B/A SINAI-GRACE HOSPITAL and
THE DETROIT MEDICAL CENTER,
Jointly and Severally,

Defendants.

BRIAN J. McKEEN (P34123)
McKEEN & ASSOCIATES, P.C.
Attorneys for Plaintiff
645Griswold Street, Suite 4200
Detroit, Michigan 48226
(313) 961-4400

EX-PARTE ORDER APPOINTING NEXT FRIEND

At a session of said Court held in the City
of Detroit, County of Wayne, State of Michigan
on MAR 23 2009

PRESENT: ISIDORE B. TORRES
CIRCUIT COURT JUDGE

UPON THE READING AND FILING of the Motion of Petition of Michele Breech,
requesting to be appointed as Next Friend of [REDACTED] Jr., a Minor, for the purpose of

MAR 16 2016

McKeen & Associates, P.C. • 645 Griswold Street, Suite 4200 • Detroit, MI 48226 • (313) 961-4400

instituting proceedings in the Wayne County Circuit Court for the recovery from the Defendants herein for damages sustained by [REDACTED] Jr., a Minor;

THE WRITTEN CONSENT of Michele Breech having been endorsed, whereby she agrees to serve as Next Friend and to be responsible for the costs of the action;

IT IS HEREBY ORDERED that Michele Breech is appointed Next Friend of the Minor, [REDACTED] Jr., for the purpose of instituting suit in this Court to recover damages from the Defendants for damages sustained to [REDACTED] Jr., a Minor.

ISIDORE B. TORRES

CIRCUIT COURT JUDGE

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK

BY *R. Arcilla*
DEPUTY CLERK

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MICHELE BREECH, as Next Friend
of [REDACTED] JR., a Minor,

Plaintiff,

Case No. 09- NH

vs.

Hon.

LISA LYNN CARDWELL, M.D.,
DMC PRIMARY CARE SERVICE II
d/b/a NORTHWEST WOMEN'S CARE,
KAROLINE PUDER, M.D.,
GAGANDEEP BRAR, M.D.,
KEY-CHYANG LIANG, M.D.
SINAI HOSPITAL OF GREATER DETROIT
D/B/A SINAI-GRACE HOSPITAL and
THE DETROIT MEDICAL CENTER,
Jointly and Severally,

Defendants.

BRIAN J. McKEEN (P34123)
McKEEN & ASSOCIATES, P.C.
Attorneys for Plaintiff
645 Griswold Street, Suite 4200
Detroit, Michigan 48226
(313) 961-4400

EX-PARTE MOTION FOR APPOINTMENT
OF NEXT FRIEND

PETITIONER, Michele Breech, hereby states as follows:

1. That she is the mother of the Minor Plaintiff, [REDACTED] Jr., whose date of birth is [REDACTED]

McKeen & Associates, P.C. • 645 Griswold Street, Suite 4200 • Detroit, MI 48226 • (313) 961-4400

MAR 16 2016


McKeen & Associates, P.C. • 645 Griswold Street, Suite 4200 • Detroit, MI 48226 • (313) 961-4400

2. That on behalf of said Minor, Michele Breech has instituted an action in this Court for the recovery from the above named Defendants for damages sustained by said Minor.

3. That [REDACTED] Jr. has no Guardian or Conservator of his Estate.

4. That under the terms of Rules 2.201(E) of the Michigan Court Rules, it is necessary that a Next Friend be appointed to represent said Minor.

WHEREFORE, Michele Breech hereby requests that she be appointed Next Friend for the purpose of instituting the within action.

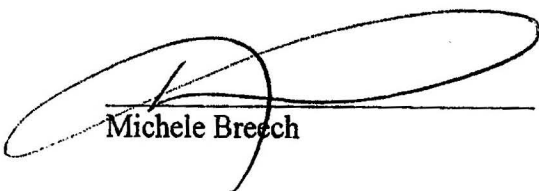

Michele Breech

Subscribed and sworn to before me
this _____ day of _____, 2009

Notary Public _____ County, MI
My commission expires: _____

CONSENT

I, Michele Breech, hereby consent to be appointed Next Friend of [REDACTED] Jr., a Minor, in the within matter and to appear for ^{him} ~~her~~ in all matters relating to this action. I acknowledge that by accepting this appointment, I become responsible for the costs of this action.


Michele Breech

Dated: 3/18/09

STATE OF MICHIGAN

JURY FEE PAID

MAR 23 2009

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MICHELE BREECH, as Next Friend
of [REDACTED] a Minor,

Plaintiff,

BREECH, MICHELE, As Next Friend,
Hon. Isidore Torres 03/23/2009

vs.



09-006715-NI

LISA LYNN CARDWELL, M.D.,
DMC PRIMARY CARE SERVICE II
d/b/a NORTHWEST WOMEN'S CARE,
KAROLINE PUDER, M.D.,
GAGANDEEP BRAR, M.D.,
KEY-CHYANG LIANG, M.D.
SINAI HOSPITAL OF GREATER DETROIT
D/B/A SINAI-GRACE HOSPITAL and
THE DETROIT MEDICAL CENTER,
Jointly and Severally,

Defendants.

BRIAN J. McKEEN (P34123)
McKEEN & ASSOCIATES, P.C.
Attorneys for Plaintiff
645 Griswold Street, Suite 4200
Detroit, Michigan 48226
(313) 961-4400

COMPLAINT AND DEMAND FOR JURY TRIAL

There is no other pending or resolved civil action arising out of the
same transaction or occurrence as alleged in the complaint.

BRIAN J. McKEEN (P34123)

NOW COMES Plaintiff, Michele Breech, as Next Friend of [REDACTED] a Minor,
by and through counsel, McKEEN & ASSOCIATES, P.C., and for her Complaint against
the Defendants herein, states as follows:

McKeen & Associates, P.C. • 645 Griswold Street, Suite 4200 • Detroit, MI 48226 • (313) 961-4400

MAR 16 2016

GENERAL ALLEGATIONS

1. At all times relative hereto, Plaintiffs, Michele Breech and [REDACTED] a Minor, were residents of the City of Detroit, County of Wayne, State of Michigan.

2. Michele Breech, is the duly appointed Next Friend of [REDACTED] a Minor.

3. At all times relevant, hereto, Lisa Lynn Cardwell, M.D., was a duly licensed and practicing physician, specializing in Obstetrics and Gynecology, providing medical services in the City of Detroit, County of Wayne, State of Michigan, and was an actual and/or ostensible agent, servant and/or employee of Defendants DMC Primary Care Services II d/b/a Northwest Women's Care and/or Sinai Hospital of Greater Detroit d/b/a Sinai-Grace Hospital and/or The Detroit Medical Center.

4. At all times relevant, hereto, Karoline Puder, M.D., was a duly licensed and practicing physician, specializing in Maternal-Fetal Medicine, providing medical services in the City of Detroit, County of Wayne, State of Michigan, and was an actual and/or ostensible agent, servant and/or employee of Defendants Sinai Hospital of Greater Detroit d/b/a Sinai-Grace Hospital and/or The Detroit Medical Center.

5. At all times relevant, hereto, Karoline Puder, M.D., was a duly licensed and practicing physician, specializing in Maternal/Fetal Medicine, providing medical services in the City of Detroit, County of Wayne, State of Michigan, and was an actual and/or ostensible agent, servant and/or employee of Defendants Sinai Hospital of Greater Detroit d/b/a Sinai-Grace Hospital and/or The Detroit Medical Center.

6. At all times relevant, hereto, Gagandeep Brar, M.D., was a duly licensed and practicing physician, specializing in Neonatal-Perinatal Medicine, providing medical services in the City of Detroit, County of Wayne, State of Michigan, and was an actual

and/or ostensible agent, servant and/or employee of Defendants Sinai Hospital of Greater Detroit d/b/a Sinai-Grace Hospital and/or The Detroit Medical Center.

7. At all times relevant, hereto, Keh-Chyang Liang, M.D., was a duly licensed and practicing physician, specializing in Neonatal-Perinatal Medicine, providing medical services in the City of Detroit, County of Wayne, State of Michigan, and was an actual and/or ostensible agent, servant and/or employee of Defendants, Sinai Hospital of Greater Detroit d/b/a Sinai-Grace Hospital and/or The Detroit Medical Center.

8. At all times relevant hereto, Northwest Women's Care, an assumed name for DMC Primary Care Services II (hereinafter referred to as "Northwest Women's Care"), a Michigan Non-profit Corporation, was a duly licensed and accredited health care institution doing business in the City of Detroit, County of Wayne, State of Michigan.

9. At all times relevant hereto, Northwest Women's Care, was the employer and/or ostensible principal for Defendant, Lisa Lynn Cardwell, M.D., and is thus vicariously liable for their negligent acts and/or omissions.

10. At all times relevant hereto, Sinai-Grace Hospital, an assumed name for Sinai Hospital of Greater Detroit (hereinafter referred to as Sinai-Grace Hospital), a Michigan Non-profit Corporation, was a duly licensed and accredited health care institution doing business in the City of Detroit, County of Wayne, State of Michigan.

11. At all times relevant hereto, Sinai-Grace Hospital was the employer and/or ostensible principal for Defendants Lisa Lynn Cardwell, M.D., Karoline Puder, M.D., Gagandeep Brar, M.D. and Keh-Chyang Liang, M.D., and is thus vicariously liable for their negligent acts and/or omissions.

12. At all times relevant hereto, The Detroit Medical Center, a Michigan Non-profit Corporation, was a duly licensed and accredited health care institution doing business in the City of Detroit, County of Wayne, State of Michigan.

13. At all times relevant hereto, the Detroit Medical Center was the employer and/or ostensible principal for Defendants Lisa Lynn Cardwell, M.D., Karoline Puder, M.D., Gagandeep Brar, M.D. and Keh-Chyang Liang, M.D., and is thus vicariously liable for their negligent acts and/or omissions.

14. Plaintiff's cause of action arose in the City of Detroit, County of Wayne, State of Michigan.

15. The amount in controversy exceeds Twenty-Five Thousand (\$25,000.00) Dollars and is otherwise within the jurisdiction of this court.

FACTUAL ALLEGATIONS

16 Michele Breech was twenty-eight years old when she became pregnant with [REDACTED] She began her prenatal care with Lisa Lynn Cardwell, M.D., on June 15, 2004.

17. On July 15, 2004, Michele Breech presented to The Detroit Medical Center (DMC) for an ultrasound to confirm dates and to rule out a threatened abortion due to complaints of vaginal bleeding. Karoline Puder, M.D. performed the ultrasound, confirming a single gestation of 10 2/7 weeks. She was given a due date of February 8, 2005.

18. On September 10, 2004, Michele Breech was sent for an ultrasound evaluation by Karoline Puder, M.D., in the Antenatal Diagnostic Unit at Sinai-Grace Hospital due to an abnormal ultrasound finding and an increased MSFAP. She also complained of vaginal bleeding and spotting for approximately ten days prior to the appointment. The ultrasound

showed a velamentous cord insertion with vasa previa. Lisa Lynn Cardwell, M.D., was made aware of the results of the ultrasound.

19. On November 16, 2004, at approximately 28 weeks gestation, a follow-up ultrasound again showed a vasa previa with velamentous insertion, as well as a shortened cervix of 21 mm. Lisa Lynn Cardwell, M.D., was notified of the results and Michele Breech was sent to Sinai-Grace Hospital in Detroit for further evaluation.

20. At approximately 1200 on November 16, 2004, Michele Breech presented to Sinai-Grace Hospital for further evaluation due to a shortened cervix and vasa previa. She was placed on a fetal monitor and was noted to be contracting. She was given Magnesium Sulfate and Betamethasone..

21. On November 18, 2004, Karoline Puder, M.D., was called in for a Maternal-Fetal-Medicine consultation and recommended that Michele Breech be discharged home on bed rest. She was discharged by Lisa Lynn Cardwell, M.D., that same day.

22. On December 21, 2004, at approximately 0600, Michele Breech's membranes spontaneously ruptured at home and she began bleeding heavily. She called the hospital en route to advise that she was on her way.

23. When Michele Breech arrived to Labor and Delivery Triage at Sinai-Grace Hospital, a large blood clot was noted. A bedside ultrasound was performed recording a fetal heart rate between 50 and 60 bpm. Michele was taken from Triage to the Operating Room by Dr. Patel at 0705 for a STAT c-section.

24. [REDACTED] was delivered stillborn at 0714 at 33 weeks gestation. His apgar scores were 0 at one minute, 0 at five minutes, 0 at ten minutes, 3 at fifteen minutes and 3 at twenty minutes. He was described as pale, limp and without a pulse or respiratory effort. He was suctioned, bagged with oxygen and intubated. Epinephrine was given

through the ET tube and he was admitted to the NICU for mechanical ventilation and further care.

25. At 0749, [REDACTED] lab results revealed a very low hemoglobin value of 6.6. An order for a blood transfusion was not given until 0900, and he did not receive a blood transfusion until 0925.

26. [REDACTED] remained in the NICU for 31 days, requiring 21 days of mechanical ventilation, umbilical venous and artery catheterizations and blood transfusions. His discharge diagnoses included respiratory distress syndrome, transient thrombocytopenia, severe asphyxia, hypoxic ischemic encephalopathy, seizure disorder, hypotension, anemia, gastroesophageal reflux and hypocalcemia.

27. [REDACTED] is severely and permanently impaired, both physically and mentally. He suffers from cerebral palsy (spastic quadriplegia). He has no ability to swallow and requires a feeding tube. He has a seizure disorder. He does not talk and is severely cognitively impaired.

COUNT I
NEGLIGENCE OF LISA LYNN CARDWELL, M.D.

28. Plaintiff hereby repeats, restates and realleges the allegations contained in paragraphs 1 through 27 of Plaintiff's Complaint as though fully incorporated herein.

29. Defendant, Lisa Lynn Cardwell, M.D., was negligent inter alia, in the following particulars in that a licensed and practicing physician, when encountering a patient exhibiting the history signs and symptoms such as those demonstrated by Michele Breech, owed a duty to:

- a. Perform and appreciate a thorough history and physical examination;

- b. Provide proper obstetric services to a patient with a history of preterm labor, shortened cervix, vasa previa and velamentous cord insertion (VCI);
- c. Properly supervise and monitor the pregnancy of a patient with a history of preterm labor, shortened cervix, vasa previa and VCI;
- d. Timely refer a patient with a history of preterm labor, shortened cervix, vasa previa and VCI to a Maternal-Fetal-Medicine specialist for high risk prenatal care and delivery;
- e. Recognize the inherent dangers to the fetus upon the rupture of the mother's membranes, including tearing of fetal vessels, resulting in blood loss and oxygen deprivation;
- f. Recognize that once the fetal vessels rupture, any delay in delivery is detrimental to the fetus, prolonging its' blood loss and oxygen deprivation;
- g. Take proper precautions to prevent a patient a history of preterm labor, shortened cervix, vasa previa and VCI from recurrent preterm labor, such as oral medications or a terbutaline pump;
- h. Hospitalize a patient with a history of preterm labor, shortened cervix, vasa previa and VCI at her third trimester so as to avoid any delay in performing a STAT c-section delivery should her membranes rupture;
- i. Plan for and schedule a cesarian section delivery for a patient with a history of preterm labor, shortened cervix, vasa previa and VCI prior to the mother experiencing labor or rupture of membranes, so as to avoid any danger to the infant;
- j. Inform the patient of the potentially serious risks of vasa previa and VCI and recommend hospitalization, and further advise the patient of the increased risk of maternal fetal hemorrhage if she is not hospitalized; and
- k. Any and all acts of negligence as identified through additional discovery.

30. Defendant, Lisa Lynn Cardwell, M.D., did none of these things, and such acts or omissions constitute professional negligence for which Defendant, Lisa Lynn Cardwell, M.D., is directly liable to Plaintiff.