

RETURN DATE: NOVEMBER 10, 2015 : SUPERIOR COURT

PATRICIA TKACZ AS ADMINISTRATRIX OF  
THE ESTATE OF ISAAC BAUTISTA, AND : J.D. OF NEW HAVEN  
PATRICIA TKACZ, INDIVIDUAL

VS. : AT NEW HAVEN

JAMES B. FANNING, Jr., M.D.  
JOSEPH A. PECCERILLO, M.D.,  
HELM & HELM, P.C.,  
MIDSTATE MEDICAL CENTER,  
UNIVERSITY OF CONNECTICUT HEALTH  
CENTER, AND

THE STATE OF CONNECTICUT : OCTOBER 14, 2015

### **COMPLAINT**

#### **COUNT ONE (Estate of Isaac Bautista v. James B. Fanning, M.D.)**

1. On or about May 27, 2014, the plaintiff, Patricia Tkacz was duly appointed as Administratrix of the Estate of Isaac Bautista by the Probate Court of the District of Meriden, Connecticut and has been duly authorized to act in such capacity.
2. At all times mentioned herein, the plaintiff, Patricia Tkacz, was a resident of Meriden, Connecticut.
3. At all times mentioned herein, the defendant, James B. Fanning, Jr., M.D. was a licensed physician engaged in the practice of medicine in the State of Connecticut.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

4. At all times mentioned herein, the defendant, Joseph A. Peccerillo, M.D. was a licensed physician engaged in the practice of medicine in the State of Connecticut.

5. At all times mentioned herein, the defendant, James B. Fanning, Jr., M.D. held himself out to the public, and particularly the plaintiff, Patricia Tkacz, as a physician and surgeon who specialized in obstetrics and gynecology and who possessed a special skill and knowledge in obstetrics and gynecology. As such, the defendant James B. Fanning, Jr., M.D. represented to the public and to the plaintiff, Patricia Tkacz, that he possessed and exercised the standard of learning, skill, care, knowledge and diligence of specialists in obstetrics and gynecology.

6. At all times mentioned herein, the defendant, MidState Medical Center, was a licensed healthcare facility located in Meriden, Connecticut rendering emergency, surgical and medical care, including, but not limited to obstetrical and gynecological medical care at the MidState Medical Center Women's Health Services & Family Birthing Center by and through its agents, servants and / or employees.

7. At all times mentioned herein, the defendants, James B. Fanning, M.D. and Joseph A. Peccerillo, M.D. held privileges at the defendant, MidState Medical Center and the defendant, MidState Medical Center did permit said defendants to practice medicine and perform medical procedures within the facility.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

8. On or about September 10, 2013, Patricia Tkacz was pregnant and began prenatal care at Community Health Center through Helm & Helm, P.C. under the direction and attention of James B. Fanning, M. D., Joseph A. Peccerillo, M.D., Daniel T. Dennehy, M.D. and Marlene L. Waradzin, M.D.

9. On October 15, 2013, the plaintiff, Patricia Tkacz underwent an ultrasound that estimated the fetus' gestation age at 19 weeks and estimated a delivery date of March 10, 2014.

10. Between the period of September 10, 2013 and March 15, 2014, Patricia Tkacz visited the Community Health Center on a regular basis for her prenatal care. She treated with Dr. James Fanning and Dr. Joseph Peccerillo as well as other Community Health Center physicians and staff.

11. On March 14, 2014, Patricia Tkacz treated with Dr. Joseph Peccerillo during a regularly scheduled visit. Dr. Peccerillo examined Patricia Tkacz and found that the fetal movement was good, and noted that she has some occasional pressure, contractions and spotting.

12. At that time, Dr. Joseph Peccerillo ordered an ultrasound that was interpreted by Dr. Peccerillo as showing that Patricia Tkacz's amniotic fluid volume was below the normal level. During that ultrasound there was no attempt made by anyone to estimate the fetus' size or weight.

**GEORGE W. KRAMER, ESQ.  
ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

13. Following the ultrasound, Dr. Peccerillo spoke with Marlene Waradzin, M.D. at MidState Hospital Labor and Delivery and referred Patricia Tkacz there for possible induction of labor.

14. On March 14, 2014 at approximately 2:10 p.m., Patricia Tkacz was admitted to MidState Medical Center by Dr. Marlene Waradzin for induced labor due to oligohydramnios. Later that afternoon the defendant, Dr. James Fanning took over Patricia Tkacz's care.

15. On March 14, 2014, at approximately 7:55 p.m. Dr. Fanning examined Patricia Tkacz and artificially ruptured the plaintiff's membrane and noted scant return of amniotic fluid. At that time, he also observed the cervix to be dilated one centimeter; the fetal heart rate tracings reassuring; and that the fetus had a reactive non-stress test.

16. Patricia Tkacz's labor continued into March 15, 2014.

17. On March 15, 2014 at approximately 5:20 a.m. Dr. Fanning entered Patricia Tkacz's room to see her for the second time.

18. Shortly after entering the room, Dr. Fanning decided to assist delivery with forceps and brought the baby from station three to the outlet station.

19. Thereafter, at the direction of Dr. Fanning, Patricia Tkacz's expulsive efforts and fundal pressure caused the baby's head to be delivered, but then retracted, at which time Dr. Fanning recognized that shoulder dystocia had occurred.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

20. Patricia Tkacz continued to push and Dr. Fanning attempted to free the anterior shoulder dystocia by applying traction to the fetal head while Patricia Tkacz was put in the McRoberts position. This did not result in any movement towards delivery.

21. Shortly thereafter, Dr. Fanning halted further attempts at vaginal delivery and ordered a stat cesarean section. Prior to the cesarean section surgery, Dr. Fanning attempted to push the baby's head manually back into the uterus without success.

22. Patricia Tkacz was taken to the operating room with no additional attempts at vaginal delivery.

23. During the cesarean section surgery, Dr. Fanning assisted by Dr. Peccerillo, used one hand to attempt to push the baby back into the uterus and at the same time attempted to pull the fetus back into the uterus for cesarean delivery.

24. At approximately 6:08 a.m., Isaac Bautista was delivered via cesarean delivery. At the time of the delivery Isaac Bautista was asystolic with no tone.

25. Resuscitative efforts were made for the next 28 minutes and eventually Isaac had a detectable heart rate.

26. Isaac Bautista weighed nine pounds and twelve ounces at birth and was assessed with Apgar scores of zero at one, five and ten minutes post delivery.

27. Following delivery, Isaac Bautista was diagnosed as macrosomic with severe hypoxic ischemic encephalopathy.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

28. On March 15, 2014, shortly after delivery, Isaac Bautista was transferred to the neonatal intensive care unit at the defendant, University of Connecticut Health Center, John Dempsey Hospital (hereinafter "UConn") for further care.

29. On March 21, 2014, an MRI revealed Isaac Bautista had non-acute multi-compartmental hemorrhage including left parietal epidural hemorrhage, right parietal epidural hematoma, right parenchymal contusions, multiple sites of subarachnoid hemorrhage, and a large subgaleal hematoma over parietal-occipital region.

30. On March 25, 2014, Isaac Bautista was transferred to Connecticut Children's Medical Center's Neonatal Intensive Care Unit for further management.

31. Also on March 25, 2014, Isaac Bautista underwent a craniotomy.

32. Isaac Bautista remained in the hospital and on April 11, 2014, the plaintiff was informed that Isaac Bautista's brain damage was irreversible and if he survived, he would have profound developmental delays.

33. On April 16, 2014, Isaac Bautista's doctors discontinued life support and redirected his care to comfort measures.

34. On April 17, 2014, Isaac Bautista died at only 34 days old.

35. The fatal injuries, suffering and losses sustained by the plaintiff's decedent, Isaac Bautista, were caused by the carelessness, negligence and medical malpractice of the defendant, James B. Fanning, Jr., M.D. during his treatment of Patricia Tkacz and Isaac Bautista in one or more of the following ways, in that:

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

- a. he failed to take steps to estimate the fetal weight of Isaac Bautista prior to delivery;
- b. he concluded that Patricia Tkacz's pelvis was adequate for delivery without estimating the size of the fetus or examining the patient;
- c. he failed to measure or estimate fetal size, especially in light of abnormal glucose testing and other risk factors for gestational diabetes and a macrosomic fetus;
- d. he decided to assist Patricia Tkacz's vaginal delivery with forceps, and after encountering shoulder dystocia, he failed to attempt any other vaginal delivery maneuvers other than the McRoberts maneuver before converting the delivery to a cesarean section;
- e. he failed to recognize that the fetus was likely macrosomic, and failed to consider a cesarean section at any time before the second stage of labor;
- f. he failed to consider and/or attempt vaginal delivery by way of the McRoberts maneuver at a time when Patricia Tkacz was not making expulsive efforts;
- g. he failed to consider and/or attempt vaginal delivery by rotating the fetus;
- h. he failed to consider and/or attempt vaginal delivery by delivering the fetus' posterior arm;
- i. he failed to consider and/or attempt vaginal delivery by fracturing the fetus' clavical;
- j. he failed to consider and/or attempt vaginal delivery by putting Patricia Tkacz in the Gaskins all fours position;
- k. he failed to recognize that Patricia Tkacz was at increased risk for shoulder dystocia at any time before it was encountered, based on the size of the fetus and the risk factors she had; and
- l. he failed to exercise the degree of skill, care and diligence exercised by obstetrical physicians under similar circumstances.

**GEORGE W. KRAMER, ESQ.  
ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

36. As a direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, Isaac Bautista was deprived of the opportunity to get timely treatment to prevent catastrophic injury and harm during his delivery and instead suffered severe hypoxias brain damage, and injuries that ultimately caused his death.

37. As a further direct and proximate result of the aforesaid negligent acts and/or omissions of the defendants, Isaac Bautista's ability to carry out all of life's activities in a full, active and rewarding manner was completely and permanently extinguished, all to the loss and damage of his estate.

38. As a further direct and proximate result of the aforesaid negligent acts and/or omissions of the defendants, Isaac Bautista's ability to earn wages has been permanently destroyed.

39. As a further direct and proximate result of the aforesaid negligent acts and/or omissions of the defendants and Isaac Bautista's resulting death, the plaintiff, Patricia Tkacz, as Administratrix of the Estate of Isaac Bautista, incurred considerable funeral, burial, medical and administrative expenses, all to the loss and damage of said estate.

40. The subject action is brought pursuant to Connecticut's wrongful death statute, Connecticut General Statute § 52-555.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764



41. A written opinion of similar healthcare providers are attached hereto and incorporated fully herein pursuant to Connecticut General Statutes §52-190a (Exhibit A)

**COUNT TWO (Patricia Tkacz v. James B. Fanning, Jr., M.D.)**

1-34. Paragraphs 1 through 34 of Count One are hereby incorporated as paragraphs 1 through 34 of Count Two as if fully set forth herein.

35. The cesarean section surgery on Patricia Tkacz concluded at approximately 8:30 a.m. on March 15, 2014 and she was transferred to the Labor and Delivery Recovery Room at approximately 8:42 a.m.

36. The surgery concluded and Patricia Tkacz was transferred to recovery without anyone checking her perineum for tearing or injury.

37. Patricia Tkacz sustained a 4th degree perineal laceration during the attempted vaginal delivery and subsequent surgical procedure on March 15, 2014.

38. On March 15, 2014, at approximately 1:30 p.m. Dr. Fanning arranged for the transfer of Patricia Tkacz's care to the defendant, UConn.

39. On that date, Dr. Fanning communicated with at least one physician at UConn and never mentioned that there was any injury or lacerations in the area of Patricia Tkacz's perineum and incorrectly communicated that her perineum was intact.

**GEORGE W. KRAMER, ESQ.  
ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

40. The injuries, harms and losses suffered by the plaintiff Patricia Tkacz were caused by the carelessness, negligence and medical malpractice of the defendant, James B. Fanning, Jr., M.D. during his treatment of Patricia Tkacz and Isaac Bautista in one or more of the following ways, in that:

- a. he failed to take steps to estimate the fetal weight of Isaac Bautista prior to delivery;
- b. he concluded that Patricia Tkacz's pelvis was adequate for delivery without estimating the size of the fetus or examining the patient;
- c. he failed to measure or estimate fetal size, especially in light of abnormal glucose testing and other risk factors for gestational diabetes and a macrosomic fetus;
- d. he decided to assist Patricia Tkacz's vaginal delivery with forceps, and after encountering shoulder dystocia, he failed to attempt any other vaginal delivery maneuvers other than the McRoberts maneuver before converting the delivery to a cesarean section;
- e. he failed to recognize that the fetus was likely macrosomic, and failed to consider a cesarean section at any time before the second stage of labor;
- f. he failed to consider and/or attempt vaginal delivery by way of the McRoberts maneuver at a time when Patricia Tkacz was not making expulsive efforts;
- g. he failed to consider and/or attempt vaginal delivery by rotating the fetus;
- h. he failed to consider and/or attempt vaginal delivery by delivering the fetus' posterior arm;
- i. he failed to consider and/or attempt vaginal delivery by fracturing the fetus' clavical;

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

- j. he failed to consider and/or attempt vaginal delivery by putting Patricia Tkacz in the Gaskins all fours position;
- k. he failed to recognize that Patricia Tkacz was at increased risk for shoulder dystocia at any time before it was encountered, based on the size of the fetus and and the risk factors she had;
- l. he failed to properly inspect Patricia Tkacz's vagina for laceration or other injuries post partum;
- m. he failed to detect and identify Patricia Tkacz's perineal laceration;
- n. he failed to properly communicate and document to the receiving hospital the fact that vaginal delivery had been attempted and Patricia Tkacz had sustained a laceration and requited follow up treatment and care for her perineum and vagina;
- o. he failed to take any steps to repair and/or treat her perineal laceration; and
- p. he failed to exercise the degree of skill, care and diligence exercised by obstetrical physicians under similar circumstances.

41. As a direct and proximate result of the aforesaid negligent act and/or omissions of the defendant, the plaintiff, Patricia Tkacz suffered and will continue to suffer the serious, severe, painful and permanent injuries, including torn vaginal tissue; torn perineal skin and muscle; torn rectal tissue; damage to rectal muscles and anal sphincter; rectovaginal fistula; unrepaired 4th degree perineal lesion with cloaca; incontinence; muscular and nerve injuries to the vagina and rectum; weakened anal sphincter; permanent nerve damage; reconstructive surgery; Hartmann's procedure with colostomy; difficulties with future pregnancies; increased risk of tissue breakdown and loss of elasticity/

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

strength of anal sphincter with menopause; and psychological, physiological and neurological sequelae.

42. As a further direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, the plaintiff, Patricia Tkacz has lost her son, Isaac Bautista, and all the benefits, joys and pleasures associated with raising and interacting with her child and further sustained severe emotional pain, anxiety and distress and will likely suffer same into the future.

43. As a further direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, the plaintiff, Patricia Tkacz, has incurred and will continue to incur expenses for medical care and treatment, all to her financial loss.

44. As a further result of the negligence and carelessness of the defendant, Patricia Tkacz's earning capacity has been impaired and she lost wages.

45. Some or all of Patricia Tkacz's injuries are permanent.

46. Paragraph 41 of Count One is hereby incorporated as Paragraph 46 of Count Two as if fully set forth herein.

### **COUNT THREE (Patricia Tkacz v. Joseph A. Peccerillo, M.D.)**

1-37. Paragraphs 1 through 37 of Count Two are hereby incorporated as paragraphs 1 through 37 of Count Three as if fully set forth herein.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

38. At all times mentioned herein, the defendant, Joseph A. Peccerillo, M.D. held himself out to the public, and particularly the plaintiff, Patricia Tkacz, as a physician and surgeon who specialized in obstetrics and gynecology and who possessed a special skill and knowledge in obstetrics and gynecology. As such, the defendant Joseph A. Peccerillo, M.D. represented to the public and to the plaintiff, Patricia Tkacz, that he possessed and exercised the standard of learning, skill, care, knowledge and diligence of specialists in obstetrics and gynecology.

39. On March 15, 2014, at approximately 1:30 p.m. Dr. Peccerillo arranged for the transfer of Patricia Tkacz's care to the defendant, Uconn.

40. On that date, Dr. Peccerillo communicated with at least one physician at UConn and never mentioned that there was any injury or lacerations in the area of Patricia Tkacz's perineum and incorrectly communicated that her perineum was intact.

41. The injuries, harms and losses suffered by the plaintiff Patricia Tkacz were caused by the carelessness, negligence and medical malpractice of the defendant, Joseph A. Peccerillo, M.D. during his treatment of Patricia Tkacz and Isaac Bautista in one or more of the following ways, in that:

- a. he failed to take steps to estimate the fetal weight of Isaac Bautista prior to delivery;

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

- b. he failed to measure or estimate fetal size, especially in light of abnormal glucose testing and other risk factors for gestational diabetes and a macrosomic fetus;
- c. he failed to properly inspect Patricia Tkacz's vagina for laceration or other injuries post partum;
- d. he failed to detect and identify Patricia Tkacz's perineal laceration;
- e. he failed to properly communicate and document to the receiving hospital the fact that vaginal delivery had been attempted and Patricia Tkacz had sustained a laceration and required follow up treatment and care for her perineum and vagina;
- f. he failed to take any steps to repair and/or treat her perineal laceration; and
- g. he failed to exercise the degree of skill, care and diligence exercised by obstetrical physicians under similar circumstances.

42. As a direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, the plaintiff, Patricia Tkacz suffered and will continue to suffer the serious, severe, painful and permanent injuries, including torn vaginal tissue; torn perineal skin and muscle; torn rectal tissue; damage to rectal muscles and anal sphincter; rectovaginal fistula; unrepaired 4th degree perineal lesion with cloaca; incontinence; muscular and nerve injuries to the vagina and rectum; weakened anal sphincter; permanent nerve damage; reconstructive surgery; Hartmann's procedure with colostomy; difficulties with future pregnancies; increased risk of tissue breakdown and loss of elasticity/strength of anal sphincter with menopause; and psychological, physiological and neurological sequelae.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

43. As a further direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, the plaintiff, Patricia Tkacz has lost her son, Isaac Bautista, and all the benefits, joys and pleasures associated with raising and interacting with her child and further sustained severe emotional pain, anxiety and distress and will likely suffer same into the future.

44. As a further direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, the plaintiff, Patricia Tkacz, has incurred and will continue to incur expenses for medical care and treatment, all to her financial loss.

45. As a further result of the negligence and carelessness of the defendant, Patricia Tkacz's earning capacity has been impaired and she lost wages.

46. Some or all of Patricia Tkacz's injuries are permanent.

47. Paragraph 41 of Count One is hereby incorporated as Paragraph 47 of Count Three as if fully set forth herein.

#### **COUNT FOUR (Estate of Isaac Bautista v. Helm & Helm, PC, Fanning)**

1. At all times relevant hereto, the defendant, Helm & Helm, PC, was a duly licensed and registered professional corporation existing in the State of Connecticut with offices at 435 Lewis Avenue, Meriden, Connecticut.

2. At all times mentioned herein, the defendant, James B. Fanning, Jr., M.D. was the agent, servant, apparent agent and/or employee of Helm & Helm, PC.

3-44. Paragraphs 1 through 41 of Count One are hereby incorporated as

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

paragraphs 3 through 44 of Count Four as if fully set forth herein.

**COUNT FIVE (Patricia Tkacz v. Helm & Helm, PC, Fanning)**

1-2 Paragraphs 1 through 2 of Count Four are hereby incorporated as paragraphs 1 through 2 of Count Five as if fully set forth herein.

3-49. Paragraphs 1 through 46 of Count Two are hereby incorporated as paragraphs 3 through 49 of Count Five as if fully set forth herein.

**COUNT SIX (Patricia Tkacz v. Helm & Helm, PC, Peccerillo)**

1. At all times relevant hereto, the defendant, Helm & Helm, PC, was a duly licensed and registered professional corporation existing in the State of Connecticut with offices at 435 Lewis Avenue, Meriden, Connecticut.

2. At all times mentioned herein, the defendant, Joseph A. Peccerillo, M.D. was the agent, servant, apparent agent and/or employee of Helm & Helm, PC.

3-50. Paragraphs 1 through 47 of Count Three are hereby incorporated as paragraphs 3 through 50 of Count Six as if fully set forth herein.

**COUNT SEVEN (Patricia Tkacz v. Midstate Medical Center)**

1. At all times mentioned herein, Allison Larkin, RN and Joanne Niman, RN were registered nurses licensed and engaged in the practiced of nursing.

**GEORGE W. KRAMER, ESQ.**

**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764



2. At all times mentioned herein, Allison Larkin, RN and Joanne Niman, RN were the agents, servants, apparent agents/or employees of the defendant MidState Medical Center.

3-40. Paragraphs 1 through 37 of Count Two are hereby incorporated as paragraphs 3 through 40 of Count Seven as if fully set forth herein.

41. The defendant, MidState Medical Center's agent, servant, apparent agent and/or employee, Allison Larkin was monitoring and caring for Patricia Tkacz's labor on March 14, 2014 through the morning hours of March 15, 2014 until Patricia Tkacz was transferred to the operating room for her cesarean section surgery.

42. Allison Larkin, RN was present and assisted Dr. Fanning during Patricia Tkacz's second stage of labor and during the attempted vaginal delivery of Isaac Bautista.

43. Allison Larkin, RN also assisted during the cesarean section surgery as the circulator nurse.

44. The defendant, MidState Medical Center's agent, servant apparent agent and/or employee, Joanne Niman, RN took over as circular nurse in relief of Allison Larkin, RN at some time during the cesarean section surgery.

45. On March 15, 2014 Joanne Niman, RN was involved with transferring Patricia Tkacz to UConn for further care.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

46. Joanne Niman, RN communicated with UConn nurses about the condition of Patricia Tkacz, but failed to mention that there was any injury or laceration in the area of Patricia Tkacz's perineum and incorrectly communicated that her perineum was intact.

47. The injuries, harms and losses suffered by the plaintiff, Patricia Tkacz, were caused by the carelessness and negligence and medical malpractice of the defendant, MidState Medical Center, acting through its agents, apparent agents, servants, and/or employees in one of more of the following ways, in that:

- a. they failed to properly inspect Patricia Tkacz's perineum for laceration or other injuries even after they knew or should have know that a laceration and/or episiotomy would be present in light of the complex labor, and attempted vaginal delivery;
- b. they failed to detect and identify the perineal laceration and advocate for the patient in the operative setting to ensure that the operating physicians were aware that the patient's perineum required attention and repair;
- c. they failed to treat the perineal laceration at all;
- d. they failed to document that Patricia Tkacz had sustained a perineal laceration when they knew or should have known that it occurred;
- e. they failed to communicate within MidState Medical Center's own nursing staff that Patricia Tkacz had sustained a perineal laceration and that it required attention repair;
- f. they failed to properly inspect the patient's perineum in the postoperative setting;
- g. they failed to properly communicate and document to the receiving hospital that Patricia Tkacz has sustained a perineal laceration and/or episiotomy and required follow up treatment and care for her perineum and that vaginal delivery had been attempted.

**GEORGE W. KRAMER, ESQ.**

**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104

Juris No.: 302764

48. As a direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, the plaintiff, Patricia Tkacz suffered and will continue to suffer the serious, severe, painful and permanent injuries, including torn vaginal tissue; torn perineal skin and muscle; torn rectal tissue; damage to rectal muscles and anal sphincter; rectovaginal fistula; unrepaired 4th degree perineal lesion with cloaca; incontinence; muscular and nerve injuries to the vagina and rectum; weakened anal sphincter; permanent nerve damage; reconstructive surgery; Hartmann's procedure with colostomy; difficulties with future pregnancies; increased risk of tissue breakdown and loss of elasticity/strength of anal sphincter with menopause; and psychological, physiological and neurological sequelae.

49. As a further direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, the plaintiff, Patricia Tkacz has lost her son, Isaac Bautista, and all the benefits, joys and pleasures associated with raising and interacting with her child and further sustained severe emotional pain, anxiety and distress and will likely suffer same into the future.

50. As a further direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, the plaintiff, Patricia Tkacz, has incurred and will continue to incur expenses for medical care and treatment, all to her financial loss.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

51. As a further result of the negligence and carelessness of the defendant, Patricia Tkacz's earning capacity has been impaired and she lost wages.

52. Some or all of Patricia Tkacz's injuries are permanent.

53. Paragraph 51 of Count One is hereby incorporated as Paragraph 53 of Count Seven as if fully set forth herein.

**COUNT EIGHT (Patricia Tkacz v. State of Connecticut)**

1. At all times mentioned herein, Anne-Marie Prabulos, M.D., Satya Polavarapu, M.D., Audrey Marsidi, M.D., Melanie Mund, M.D., and Emily Mills, M.D. were licensed physicians engaged in the practice of medicine in the State of Connecticut.

2. At all times mention herein, the defendant, UConn, was a licensed healthcare facility located in Farmington, Connecticut rendering emergency, surgical and medical care, including, but not limited to obstetrical, gynecologic and maternal - fetal medical care by and through its agents, servants and empolyees.

3. At all times mentioned herein, Anne-Marie Prabulos, M.D., Satya Polavarapu, M.D., Audrey Marsidi, M.D., Melanie Mund, M.D., and Emily Mills, M.D., were the agents servants, apparent agents and/or employees of the State of Connecticut and were practicing as physicians in the field of obstetrics and gynecology at UConn Health Center.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

4. At all times mentioned herein, Christina Racek, RN, Haley Dunnack, RN, Joanne Kuszaj, RN, Janine Sullivan, RN, Deborah Rogers, RN, Amy Crose, RN, Joann Tobin, RN, Millicent Reynolds, RN Kathleen Whitehead, RN, Irene Bonati, RN Judith Keefe, RN were duly licensed registered nurses practicing nursing at the UConn Health Center and were the agents, apparent agents, servants, and/or employees of the State of Connecticut.

5-42. Paragraph 1 through 37 of Count Two are hereby incorporated as paragraphs 5 through 42 of Count Eight as if fully set forth herein.

43. On March 15, 2014, as part of the transfer from MidState Medical Center to UConn, Joanne Niman, RN of MidState Medical Center communicated with Joanne Kuszaj, RN of UConn and provided her with information about Patricia Tkacz's labor and delivery and complications while at MidState Medical Center.

44. On that date, Dr. Peccerillo and/or Dr. Fanning communicated with physicians at UConn about Patricia Tkacz's complications during delivery and UConn agreed to accept Patricia Tkacz as a transfer patient.

45. On March 15, 2014 at approximately 2:00 p.m., Patricia Tkacz arrived at UConn and was admitted to the facility and remained there as a patient until she was discharged on March 19, 2014.

46. During the admission process at UConn, there was no examination or observation of Patricia Tkacz's perineum.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

47. From March 15, 2014 through March 16, 2014 no one examined Patricia Tkacz's perineum, but incorrectly documented her perineum as intact.

48. On March 17, 2014 Janine Sullivan, RN looked at Patricia Tkacz's perineum and noted redness above her rectum and notified Audrey Marsidi, M.D. of her findings.

49. On March 17, 2014 Audrey Marsidi, M.D. who, for the first time, observed a perineal lesion, did not perform an examination. Following her observation, Dr. Marsidi ordered continued monitoring of the area.

50. On March 19, 2014 UConn nurses noted changes to Patricia Tkacz's perineum including swelling, redness and foul odor.

51. On March 19, 2014 UConn physicians discharged Patricia Tkacz to home without ever assessing the new findings noted on March 19, 2014 by UConn nurses.

52. The injuries, harms and losses suffered by the plaintiff Patricia Tkacz were caused by the carelessness, negligence and medical malpractice of the defendants UConn and the State of Connecticut, acting through their agents, apparent agents, servants and/or employees in one or more of the following ways in that:

- a. they failed to examine the patient's perineum and identify the perineal laceration at the time of Patricia Tkacz's admission;

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

- b. they failed to fully examine or evaluate patricia Tkacz's perineum at any time during her admission to determine the extent of the perineal laceration;
- c. they inaccurately documented the perineum as intact without properly inspecting the perineum;
- d. they failed to properly evaluate, monitor and treat the perineal laceration once a lesion was identified on March 17, 2014;
- e. they noted a worsening condition of the patient's perineum in the morning of March 19, 2014, yet did not properly communicate that change to those responsible for the patient's discharge;
- f. they failed to properly examine the patient's perineum on discharge with instruction for appropriate follow up care, including antibiotics and outpatient office visits;
- g. they allowed the patient to be discharged without taking any steps to ensure that the patient's perineal laceration would be followed and treated, especially in light of the changes documented on March 19, 2014; and
- h. they failed to exercise the degree of skill, care, and diligence exercised by obstetrical physicians and nurses under similar circumstances.

53. As a direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, the plaintiff, Patricia Tkacz suffered and will continue to suffer the serious, severe, painful and permanent injuries, including torn vaginal tissue; torn perineal skin and muscle; torn rectal tissue; damage to rectal muscles and anal sphincter; rectovaginal fistula; unrepaired 4th degree perineal lesion with cloaca; incontinence; muscular and nerve injuries to the vagina and rectum; weakened anal sphincter; permanent nerve damage; reconstructive surgery; Hartmann's procedure with colostomy; difficulties with future

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

pregnancies; increased risk of tissue breakdown and loss of elasticity/strength of anal sphincter with menopause; and psychological, physiological and neurological sequelae.

54. As a further direct and proximate result of the aforesaid negligent acts and/or omissions of the defendant, the plaintiff, Patricia Tkacz, has incurred and will continue to incur expenses for medical care and treatment, all to her financial loss.

55. As a further result of the negligence and carelessness of the defendant, Patricia Tkacz's earning capacity has been impaired and she lost wages.

56. Some or all of Patricia Tkacz's injuries are permanent.

57. The defendants, the University of Connecticut Health Center and the State of Connecticut, are vicariously liable for the negligent actions and/or omissions of their agents, servants and/or employees, as alleged herein.

58. By notice of claim, dated March 6, 2014, and Addendum, dated April 20, 2014, (Exhibit B) the plaintiff moved the Claims Commissioner for permission to bring the subject claim against the State. By finding and order dated May 5, 2014 (Exhibit C), the Claims Commissioner J. Paul Vance, Jr., granted the plaintiff, Patricia Tkacz, permission to sue the State of Connecticut pursuant to Connecticut General Statute § 4-160.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764



59. Paragraph 41 of Count One is hereby incorporated as Paragraph 59 of Count Seventeen as if fully set forth herein.

**COUNT NINE (Lack of Informed Consent)**

1-41. Paragraph 1 through 41 of Count One are hereby incorporated as Paragraphs 1 through 41 of Count Nine as if fully set forth herein.

42-88. Paragraphs 1-46 of Count Two are hereby incorporated as paragraphs 42 through 88 of Count Nine as if fully set forth herein.

89. The death of the plaintiff's decedent, Isaac Bautista and injuries and losses sustained by the plaintiff, Patricia Tkacz, are causally and directly related to the fact that the defendants, James B. Fanning, Jr., M.D., and Joseph A. Peccerillo, M.D., individually and acting as agents, servants and employees, of the defendant, Helm & Helm, P.C., failed to properly inform the plaintiff, Patricia Tkacz of the risks involved with attempting vaginal delivery versus undergoing an elective cesarean section delivery, based upon the fetus' size, her risk factors and other prenatal findings that increased the risk she would encounter shoulder dystocia by way of vaginal delivery.

90. Had the plaintiff, Patricia Tkacz, been told and advised of the risks and alternatives available to her on March 14, 2014, she would have chosen cesarean section as mentioned for the delivery of Isaac Bautista before the second stage of labor began.

**GEORGE W. KRAMER, ESQ.  
ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

91. As a direct and proximate result of the aforesaid negligent acts and/or omissions of the defendants, Isaac Bautista died and the plaintiffs sustained injuries and losses as stated previously herein.

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**


30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

WHEREFORE, the plaintiffs claim:

1. Monetary and compensatory damages;
2. The cost of this suit;
3. Such other damages and relief as the Court deems appropriate.

PLAINTIFFS: Patricia Tkacz as  
Administratrix of the Estate of Isaac  
Bautista, and Patricia Tkacz, Individually

BY: \_\_\_\_\_

  
George W. Kramer, Esq.  
30 Clemens Court  
Rocky Hill, CT 06067

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

RETURN DATE: NOVEMBER 10, 2015 : SUPERIOR COURT

PATRICIA TKACZ AS ADMINISTRATRIX OF  
THE ESTATE OF ISAAC BAUTISTA, AND : J.D. OF NEW HAVEN  
PATRICIA TKACZ, INDIVIDUAL

VS. : AT NEW HAVEN

JAMES B. FANNING, Jr., M.D.  
JOSEPH A. PECCERILLO, M.D.,  
HELM & HELM, P.C.,  
MIDSTATE MEDICAL CENTER,  
UNIVERSITY OF CONNECTICUT HEALTH  
CENTER, AND


THE STATE OF CONNECTICUT : OCTOBER 14, 2015

**STATEMENT OF AMOUNT IN DEMAND**

The plaintiffs demand damages in an amount greater than Fifteen Thousand (\$15,000.00) Dollars, exclusive of interest and costs.

PLAINTIFFS: Patricia Tkacz as  
Administratrix of the Estate of Isaac  
Bautista, and Patricia Tkacz, Individually

BY: \_\_\_\_\_

  
George W. Kramer, Esq.  
30 Clemens Court  
Rocky Hill, CT 06067

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

RETURN DATE: NOVEMBER 10, 2015 : SUPERIOR COURT

PATRICIA TKACZ AS ADMINISTRATRIX OF  
THE ESTATE OF ISAAC BAUTISTA, AND : J.D. OF NEW HAVEN  
PATRICIA TKACZ, INDIVIDUAL

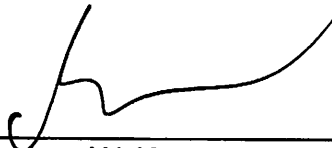
VS. : AT NEW HAVEN

JAMES B. FANNING, Jr., M.D.  
JOSEPH A. PECCERILLO, M.D.,  
HELM & HELM, P.C.,  
MIDSTATE MEDICAL CENTER,  
UNIVERSITY OF CONNECTICUT HEALTH  
CENTER, AND

THE STATE OF CONNECTICUT : OCTOBER 14, 2015

**GOOD FAITH CERTIFICATE**

I hereby certify that I have made 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/or treatment of the plaintiffs. This inquiry has given rise of a good faith belief on my part that grounds exist for an action against each named defendant. I hereby further certify that the attached correspondence are from similar healthcare providers in compliance with Connecticut General Statute § 52-190a.



---

George W. Kramer  
Attorney for Plaintiffs

**GEORGE W. KRAMER, ESQ.**  
**ATTORNEY AT LAW**

30 Clemens Court • Rocky Hill, CT 06067 • Tel: 860/529-5105 • Fax: 860/529-5104  
Juris No.: 302764

# Exhibit A

January 5, 2014

RE: Patricia Tkacz and Isaac Bautista

To Whom It May Concern,

I am a physician in active practice and Board Certified by the American College of Obstetrics and Gynecologists since 1998. I have reviewed the prenatal delivery, and postpartum records of Patricia Tkacz and the now deceased infant, Isaac Bautista. Specifically, I have reviewed records obtained from the following medical providers:

**Patricia Tkacz's Medical Providers**

Midstate Medical Center  
University of Connecticut  
Hartford Hospital  
Helm & Helm  
Community Health Center  
Hunters Ambulance

**Isaac Tkacz's Medical Providers**

Midstate Medical Center  
Connecticut Children's Medical Center

Based upon my review of these records, it is my opinion that there appears to be evidence of medical negligence with respect to the care by James B. Fanning, Jr., M.D. during his treatment of Patricia Tkacz and Isaac Bautista in one or more of the following ways:

- a. IN THAT he failed to take steps to estimate the fetal weight of Isaac Bautista prior to delivery;
- b. IN THAT he concluded that Patricia Tkacz's pelvis was adequate for delivery without estimating the size of the fetus;
- c. IN THAT he failed to measure or estimate fetal size, especially in light of abnormal glucose testing and other risk factors for gestational diabetes and a macrosomic fetus;
- d. IN THAT he decided to assist Patricia Tkacz's vaginal delivery with forceps, and after encountering shoulder dystocia, he failed to attempt any vaginal

- delivery maneuvers other than the Mc Roberts maneuver before attempting the cesarean section as described;
- e. IN THAT he failed to properly inspect Patricia Tkacz's vagina for laceration or other injuries post partum;
  - f. IN THAT he failed to detect and identify Patricia Tkacz's perineal laceration identified in subsequent medical records;
  - g. IN THAT he failed to properly communicate and document to the receiving hospital that fact that Patricia Tkacz had sustained a laceration and required follow up treatment and care for her perineum and vagina and that vaginal deliver had been attempted.
  - h. IN THAT he failed to take any steps to repair and/or treat her perineal laceration.

Based upon my review of these records, it is also my opinion that there appears to be evidence of medical negligence with respect to the care by Joseph Peccenillo, M.D. during his treatment of Patricia Tkacz and Isaac Bautista in one or more of the following ways:

- a. IN THAT he failed to take steps to estimate the fetal weight of Isaac Bautista prior to delivery;
- b. IN THAT he concluded that Patricia Tkacz's pelvis was adequate for delivery without estimating the size of the fetus;
- c. IN THAT he failed to measure or estimate fetal size, especially in light of abnormal glucose testing and other risk factors for gestational diabetes and a macrosomic fetus;
- d. IN THAT he failed to attempt any vaginal delivery maneuvers other than the Mc Roberts maneuver before attempting the cesarean section as described;
- e. IN THAT he failed to properly inspect Patricia Tkacz's vagina for laceration or other injuries post partum;
- f. IN THAT he failed to detect and identify Patricia Tkacz's perineal laceration identified in subsequent medical records;
- g. IN THAT he failed to properly communicate and document to the receiving hospital that fact that Patricia Tkacz had sustained a laceration and required follow up treatment and care for her perineum and vagina and that vaginal deliver had been attempted.
- h. IN THAT he failed to take any steps to repair and/or treat her perineal laceration.

Based upon my review of these records, it is also my opinion that there appears to be evidence of medical negligence with respect to the care by the University of Connecticut Health Center through its physicians, Melanie Mund, M.D., Satya Polavarapu, M.D., Ann Marie Prabulos, M.D. and Audrey Marsidi, M.D., for their treatment of Patricia Tkacz in one or more of the following ways:



January 3, 2014  
Page 3

- a. IN THAT they failed to identify the perineal laceration at the time of Patricia Tkacz's admission on March 15, 2014;
- b. IN THAT they failed to properly monitor and treat the perineal laceration once discovered;
- c. IN THAT they failed to properly examine the patient's perineum on discharge with instruction for appropriate follow up care including the continuation of antibiotics and outpatient office visits.

The information stated herein is based on the information available to me at the present time. Should further information and evidence become available, I reserve the right to supplement and/or amend this opinion.

This is a preliminary opinion in this case to satisfy the good faith requirement of Connecticut General Statutes §52-190a. The statute provides that this opinion "... shall not be subject to discovery by any party except for questioning the validity of the certificate." I understand that a copy of this opinion, with my name and signature expunged, will be attached to the good faith certificate filed with the complaint, when a lawsuit is filed against any defendant named herein.

In addition to my review of the relevant records outlined above, my opinions in this case are based upon my experience as an Obstetrician Gynecologist, as well as my training, education, research, and study in this specialty.

[Signature Redacted]

March 28, 2015

RE: Patricia Tkacz and Isaac Bautista

To Whom it May Concern,

I am a licensed registered nurse in active practice in New York in all aspects of obstetrics. I have worked in labor and delivery, the operating room and in the post partum setting. I am familiar with the standard of care for obstetrical nurses. I have reviewed the prenatal, delivery, and postpartum records of Patricia Tkacz and the now deceased infant, Isaac Bautista. Specifically, I have reviewed records obtained from the following medical providers:

**Patricia Tkacz's Medical Providers**

Midstate Medical Center  
University of Connecticut  
Hartford Hospital  
Helm & Helm  
Community Health Center  
Hunters Ambulance

**Isaac Bautista's Medical Providers**

Midstate Medical Center  
Connecticut Children's Medical Center

Based upon my review of these records, it is my opinion that there is evidence of medical negligence with respect to the care provided by the nurses in the operating room and in the post operative setting at Midstate Medical Center during their treatment of Patricia Tkacz on March 15, 2014. From the information contained in the records, it appears that the nurses are Allison Larkin, RN, and Joanne Niman.

More specifically, in the operating room, it appears that Allison Larkin deviated from the standard of care in one or more of the following ways:

- a. IN THAT she failed to properly inspect Patricia Tkacz's perineum for laceration or other injuries even after she knew or should have known that a laceration and/or episiotomy would be present in light of the complex labor, and attempted operative vaginal delivery;

- b. IN THAT she failed to detect and identify the perineal laceration and advocate for the patient in the operative setting to ensure that the operating physicians were aware that the patient's perineum required attention and repair;
- c. IN THAT she failed to treat the perineal laceration at all;
- d. IN THAT she failed to document the fact that Patricia Tkacz had sustained a perineal laceration when she knew or should have known that it occurred;
- e. IN THAT she failed to advise Joanne Niman of the perineal laceration and that it required attention and repair when Ms. Niman took over her care;

In the operating room and the post operative setting, it appears that Joanne Niman, RN, deviated from the standard of care in one or more of the following ways:

- a. IN THAT she failed to properly inspect Patricia Tkacz's perineum for laceration or other injuries even after she knew or should have known that a laceration and/or episiotomy would be present in light of the complex labor, and attempted operative vaginal delivery;
- b. IN THAT she failed to detect and identify the perineal laceration and advocate for the patient in the operative setting to ensure that the operating physicians were aware that the patient's perineum required attention and repair;
- c. IN THAT she failed to treat the perineal laceration at all;
- d. IN THAT she failed to document the fact that Patricia Tkacz had sustained a perineal laceration when she knew or should have known that it occurred;
- e. IN THAT she failed to properly inspect the patient's perineum in the post operative setting;
- f. IN THAT postoperatively, she documented only minimal swelling of the patient's perineum and did not document anything about a laceration and/or episiotomy;
- g. IN THAT she failed to properly communicate and document to the receiving hospital that Patricia Tkacz had sustained a perineal laceration and/or episiotomy and required follow up treatment and care for her perineum and that vaginal delivery had been attempted.

Based upon my review of these records, it is also my opinion that there appears to be evidence of medical negligence with respect to the care by the University of Connecticut Health Center through its nurses, who are identified as follows: Christina Racek, RN, Haley Dunnack, RN, Joanne Kuszaj, RN, Janine Sullivan, RN, Deborah Rogers, RN, Amy Crose, RN, Joann Tobin RN, Millicent Reynolds, RN, Irene Bonati, RN, Kathleen Whitshead RN, Judith Keefe RN, a nurse identified in the claimant's UConn medical records by the initials RITE, and one other nurse whose name is illegible but appears to begin with the letter R. It appears that these nurses were responsible for the care and treatment of Patricia Tkacz in the post partum setting

from March 15 through March 19, 2014 and that some or all of them deviated from the standard of care in one or more of the following ways:

- a. IN THAT they failed to examine the patient's perineum and identify the perineal laceration at the time of Patricia Tkacz's admission;
- b. IN THAT they inaccurately documented the perineum as intact without properly inspecting the perineum;
- c. IN THAT they failed to properly monitor and treat the perineal laceration once discovered on March 17, 2014;
- d. IN THAT they noted a worsening condition of the patient's perineum in the morning of March 19, 2014, yet did not properly communicate that change to those responsible for the patient's discharge;
- e. IN THAT they failed to properly examine the patient's perineum on discharge with instruction for appropriate follow up care including the continuation of antibiotics and outpatient office visits;
- f. IN THAT they allowed the patient to be discharged without taking any steps to ensure that the patient's perineal laceration would be followed and treated, especially in light of the changes documented on March 19, 2014.

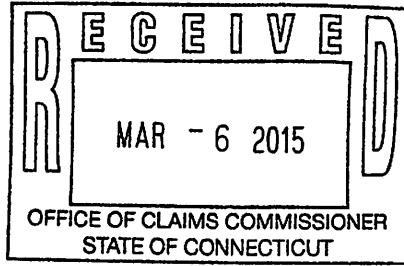
The information stated herein is based on the information available to me at the present time. Should further information and evidence become available, I reserve the right to supplement and/or amend this opinion.

This is a preliminary opinion in this case to satisfy the good faith requirement of Connecticut General Statutes §52-190a. The statute provides that this opinion "... shall not be subject to discovery by any party except for questioning the validity of the certificate." I understand that a copy of this opinion, with my name and signature expunged, will be attached to the good faith certificate filed with the complaint, when a lawsuit is filed against any defendant named herein.

In addition to my review of the relevant records outlined above, my opinions in this case are based upon my experience as registered nurse working in the field of obstetrics, as well as my training, education, research, and study in this specialty.

[Signature Redacted]

# Exhibit B



FILE NO.: : STATE OF CONNECTICUT  
PATRICIA TKACZ : OFFICE OF THE CLAIMS  
V. : COMMISSIONER  
STATE OF CONNECTICUT : March 6, 2015

**NOTICE OF CLAIM**

Pursuant to Connecticut General Statute § 4-147 *et seq.*, the claimant, Patricia Tkacz, hereby files this Notice of Claim with the Office of the Claims Commissioner giving notice that she wishes to present a claim against the State of Connecticut.

Pursuant to the requirements listed in C.G.S. § 4-147, the claimant hereby asserts the following:

- I. Name of Claimant:** Patricia Tkacz  
**Address of Claimant:** 155 Olive Street, Meriden, CT 06450  
**Name of Attorney:** D. Lincoln Woodard  
**Address of Attorney:** Walsh Woodard LLC, 527 Prospect Avenue,  
West Hartford, CT 06105
- II. Basis of Claim:**

This is a medical malpractice claim against the State of Connecticut based on treatment rendered at the University of Connecticut Health Center ("UConn") by physicians and nurses who are all believed to be employees, agents and/or servants of the University of Connecticut Health Center and the State of Connecticut. The claimant,

Patricia Tkacz was transferred to the University of Connecticut Health Center on March 15, 2014 shortly after a complicated cesarean section delivery of her son, Isaac Bautista had taken place at Midstate Medical Center in Meriden, Connecticut. Ms. Tkacz was a postpartum patient at the University of Connecticut Health Center from March 15, 2014 through the time of her discharge on March 19, 2014. The claimant is seeking permission to sue the State because at the time she arrived at the UConn she had already sustained a perineal/vaginal laceration during labor that was not identified by anyone at UConn until March 17, 2014. This perineal/vaginal laceration was not timely identified on admission and was not monitored and properly treated at any time thereafter. Further, the UConn medical providers listed below failed to properly recognize worsening symptoms in the area of the patient's perineum shortly before her discharge from the facility and did not provide proper follow up for wound care, antibiotics and outpatient office visits.

The following medical providers are believed to be those responsible for the negligent conduct described in the preceding paragraph: Melanie Mund, MD, Satya Polavarapu, MD, Anne-Marie Prabulos, MD, Audrey Marsidi, MD, Emily Mills, MD, Christina Racek, MD, Haley Dunnack, RN, Joanne Kuszaj, RN, Janine Sullivan, RN, Deborah Rogers, RN, Amy Crose, RN, Joann Tobin RN, Millicent Reynolds, RN, Irene Bonati, RN, Kathleen Whitehead RN, Judith Keefe RN, a nurse identified in the claimant's UConn medical records by the initials RITF, and one other nurse whose name is illegible but appears to begin with the letter R. This list is not meant to be exhaustive, but is based on the UConn medical records provided by the State pursuant to the claimant's request for all records, some of which are illegible and difficult to decipher.

As a result of the negligence of these medical providers' conduct, Patricia Tkacz developed increased complications of her perineal/vaginal laceration that was discovered later to extend 2 to 3 centimeters deep beyond the hymenal remnant. Accordingly, on April 1, 2014 Patricia Tkacz underwent a laparoscopic colostomy at Hartford Hospital, which remains in place to date. Further, on September 10, 2014 Patricia Tkacz had to undergo a sphincteroplasty and perineoplasty, essentially reconstructing her vagina and rectum.

**III. Amount Requested: \$5,000,000.00**

**IV. The claimant hereby requests permission to sue the State of Connecticut.**

**CLAIMANT: Patricia Tkacz**

By: 

D. Lincoln Woodard  
Walsh Woodard LLC  
527 Prospect Avenue  
West Hartford, CT 06105  
Tele. No.: 860-549-8440  
Juris No.: 412145



FILE NO.: 24023 : STATE OF CONNECTICUT  
PATRICIA TKACZ : OFFICE OF THE CLAIMS  
V. : COMMISSIONER  
STATE OF CONNECTICUT : April 20, 2015

**ADDENDUM TO NOTICE OF CLAIM**

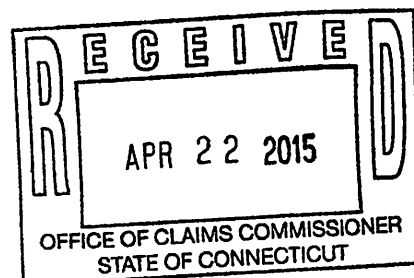
The claimant, Patricia Tkacz, hereby submits the following Addendum to the Notice of Claim dated March 6, 2015:

1. A Certificate of Reasonable Inquiry and opinion letters applicable to certain treating physicians and nurses at University of Connecticut Health Center.

**CLAIMANT: Patricia Tkacz**

By: 

D. Lincoln Woodard  
Walsh Woodard LLC  
527 Prospect Avenue  
West Hartford, CT 06105  
Tele. No.: 860-549-8440  
Juris No.: 412145



# Exhibit C

STATE OF CONNECTICUT  
OFFICE OF THE CLAIMS COMMISSIONER  
165 CAPITOL AVENUE, ROOM 123  
HARTFORD, CT 06105

PATRICIA TKACZ

:  
:  
:

FILE NO. 24023

v.

:  
:

STATE OF CONNECTICUT

MAY 5, 2015

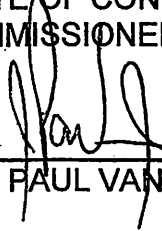
**FINDING AND ORDER**

The Claimant has filed a Certificate of Good Faith and the Respondent has not filed a position or other motion challenging the jurisdiction of the Claims Commissioner.

The claimant is hereby granted permission to sue the state as the Commissioner finds that the requirements of Section 4-160(b) of the Connecticut General Statutes have been met.

"This grant of permission to sue is limited to that portion of the claim alleging malpractice against the state, a state hospital or a sanitarium or against a physician, surgeon, dentist, podiatrist, chiropractor, or all other licensed health care providers employed by the state."

STATE OF CONNECTICUT  
COMMISSIONER OF CLAIMS



---

J. PAUL VANCE, JR.