

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT  
CIVIL ACTION

NO. **18- 474**

LEANNA LEWIS, PERSONAL REPRESENTATIVE  
OF THE ESTATE OF SERENA LEWIS,

Plaintiff,

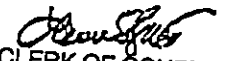
V.

EILEAN ATTWOOD, M.D.,  
DANIELLE GRANIERI, D.O.,  
ASRA JAWED, M.D.,  
HEATHER SANKEY, M.D.,  
RENEE THIBODEAU, M.D., AND  
BAYSTATE HEALTH, INC., D/B/A WESSON WOMEN'S  
CLINIC,

Defendants.

HAMPDEN COUNTY  
SUPERIOR COURT  
**FILED**

JUN 25 2018

  
CLERK OF COURTS

**COMPLAINT**

**Count I.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Eilean Attwood, M.D., was at all times relevant to this complaint a physician licensed to practice her profession in the Commonwealth of Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Eilean Attwood, M.D., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that she was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's condition and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Eilean Attwood, M.D., who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.

PA of Fills...  
Fee Paid - \$ \_\_\_\_\_ Cash - Check  
Surcharge Paid - \$ \_\_\_\_\_ Cash - Check  
Security Fee Paid - \$ \_\_\_\_\_ Cash - Check  
Received by \_\_\_\_\_

6. The death of Serena Lewis and the damage to her estate, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Eilean Attwood, M.D., including, but not limited to the following:
  - a. Defendant's misrepresentations to the plaintiff's decedent's parents that she was knowledgeable, skillful, and competent to diagnose and treat the plaintiff's decedent's and her mother's medical condition on or about August 2016;
  - b. Defendant's failure to adequately and properly diagnose the plaintiff's decedent's and her mother's medical condition on or about August 2016, and her failure to prescribe proper and timely treatment for said condition;
  - c. Defendant's failure to recognize, or have the knowledge to recognize her inability and lack of skill to diagnose and treat the plaintiff's decedent and her mother, when the defendant knew or should have known in the exercise of due care, the foreseeable consequences of her inability and failure to properly and skillfully provide the plaintiff's decedent and her mother with acceptable medical and diagnostic services;
  - d. Defendant's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the medical profession practicing her specialty; and
  - e. Defendant's failure to inform and to warn of the risks involved in or associated with the plaintiff's decedent's and her mother's condition and failure to inform and to warn about the treatment of said condition.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Eilean Attwood, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

## **Count II.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count I above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the carelessness and negligence of the defendant, Eilean Attwood, M.D., the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Eilean Attwood, M.D., in an amount to be determined by a jury, together with interest and costs.

### **Count III.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Eilean Attwood, M.D., was at all times relevant to this complaint a physician licensed to practice her profession in the Commonwealth of Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Eilean Attwood, M.D., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that she was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Eilean Attwood, M.D., who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.
6. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Eilean Attwood, M.D., or by the gross negligence of the defendant on or about August 2016.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Eilean Attwood, M.D., for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

### **Count IV.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count III above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Eilean Attwood, M.D., the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Eilean Attwood, M.D., for the above-

described wrongful death and damage to the estate, together with punitive damages, interest and costs.

### **Count V.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count I above, as if expressly rewritten and set forth herein.
2. On or about August 2016, the defendant, Eilean Attwood, M.D., contracted with the plaintiff's decedent's parents to provide professional services related to the plaintiff's decedent's and her mother's medical care and treatment.
3. The defendant, Eilean Attwood, M.D., expressly and impliedly warranted to the plaintiff's decedent's parents that she would perform and render said professional services in accordance with accepted standards for the practice of medicine, and that she would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty.
4. On or about August 2016, the defendant, Eilean Attwood, M.D., breached her express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of medicine, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty, which breach resulted in the death of Serena Lewis.
5. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Eilean Attwood, M.D.'s breach of express and implied warranties.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Eilean Attwood, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

### **Count VI.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Five of Count V above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the breach of express and implied warranties by the defendant, Eilean Attwood, M.D., the plaintiff's decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Eilean Attwood, M.D., in an amount to be determined by a jury, together with interest and costs.

### **Count VII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count I above, as if expressly rewritten and set forth herein.
2. On or about August 2016, average qualified members of the medical profession practicing the defendant's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.
3. On or about August 2016, the defendant, Eilean Attwood, M.D., knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.
4. On or about August 2016, the defendant, Eilean Attwood, M.D., did not inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent and her mother.
5. If the defendant, Eilean Attwood, M.D., had informed the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent, neither the plaintiff's decedent's parents nor a reasonable person in their position would have elected the defendant's choice of treatment.
6. The alternatives to and the risks and potential consequences of the defendant's choice of treatment were material to a decision by the plaintiff's decedent's parents and a reasonable person in their position as to whether to have the plaintiff's decedent and her mother undergo the defendant's choice of treatment.
7. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Eilean Attwood, M.D.'s failure to obtain the informed consent of the plaintiff's decedent's parents.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Eilean Attwood, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

### **Count VIII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Seven of Count VII above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.

3. As the direct and proximate result of the defendant, Eilean Attwood, M.D.'s failure to inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's treatment, the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Eilean Attwood, M.D., in an amount to be determined by a jury, together with interest and costs.

## **Count IX.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Danielle Granieri, D.O., was at all times relevant to this complaint a physician licensed to practice her profession in the Commonwealth of Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Danielle Granieri, D.O., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that she was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's condition and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Danielle Granieri, D.O., who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.
6. The death of Serena Lewis and the damage to her estate, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Danielle Granieri, D.O., including, but not limited to the following:
  - a. Defendant's misrepresentations to the plaintiff's decedent's parents that she was knowledgeable, skillful, and competent to diagnose and treat the plaintiff's decedent's and her mother's medical condition on or about August 2016;
  - b. Defendant's failure to adequately and properly diagnose the plaintiff's decedent's and her mother's medical condition on or about August 2016, and her failure to prescribe proper and timely treatment for said condition;
  - c. Defendant's failure to recognize, or have the knowledge to recognize her inability and lack of skill to diagnose and treat the plaintiff's decedent and her mother, when the defendant knew or should have known in the exercise of due care, the foreseeable

consequences of her inability and failure to properly and skillfully provide the plaintiff's decedent and her mother with acceptable medical and diagnostic services;

- d. Defendant's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the medical profession practicing her specialty; and
- e. Defendant's failure to inform and to warn of the risks involved in or associated with the plaintiff's decedent's and her mother's condition and failure to inform and to warn about the treatment of said condition.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Danielle Granieri, D.O., for the above-described wrongful death and damage to the estate, together with interest and costs.

### **Count X.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count IX above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the carelessness and negligence of the defendant, Danielle Granieri, D.O., the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Danielle Granieri, D.O., in an amount to be determined by a jury, together with interest and costs.

### **Count XI.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Danielle Granieri, D.O., was at all times relevant to this complaint a physician licensed to practice her profession in the Commonwealth of Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Danielle Granieri, D.O., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that she was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's and her mother's condition on or about August 2016.

5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Danielle Granieri, D.O., who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.
6. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Danielle Granieri, D.O., or by the gross negligence of the defendant on or about August 2016.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Danielle Granieri, D.O., for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

### **Count XII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XI above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Danielle Granieri, D.O., the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Danielle Granieri, D.O., for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

### **Count XIII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count IX above, as if expressly rewritten and set forth herein.
2. On or about August 2016, the defendant, Danielle Granieri, D.O., contracted with the plaintiff's decedent's parents to provide professional services related to the plaintiff's decedent's and her mother's medical care and treatment.
3. The defendant, Danielle Granieri, D.O., expressly and impliedly warranted to the plaintiff's decedent's parents that she would perform and render said professional services in accordance with accepted standards for the practice of medicine, and that she would possess and exercise

that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty.

4. On or about August 2016, the defendant, Danielle Granieri, D.O., breached her express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of medicine, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty, which breach resulted in the death of Serena Lewis.
5. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Danielle Granieri, D.O.'s breach of express and implied warranties.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Danielle Granieri, D.O., for the above-described wrongful death and damage to the estate, together with interest and costs.

#### **Count XIV.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Five of Count XIII above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the breach of express and implied warranties by the defendant, Danielle Granieri, D.O., the plaintiff's decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Danielle Granieri, D.O., in an amount to be determined by a jury, together with interest and costs.

#### **Count XV.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count IX above, as if expressly rewritten and set forth herein.
2. On or about August 2016, average qualified members of the medical profession practicing the defendant's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.
3. On or about August 2016, the defendant, Danielle Granieri, D.O., knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.

4. On or about August 2016, the defendant, Danielle Granieri, D.O., did not inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent and her mother.
5. If the defendant, Danielle Granieri, D.O., had informed the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent, neither the plaintiff's decedent's parents nor a reasonable person in their position would have elected the defendant's choice of treatment.
6. The alternatives to and the risks and potential consequences of the defendant's choice of treatment were material to a decision by the plaintiff's decedent's parents and a reasonable person in their position as to whether to have the plaintiff's decedent and her mother undergo the defendant's choice of treatment.
7. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Danielle Granieri, D.O.'s failure to obtain the informed consent of the plaintiff's decedent's parents.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Danielle Granieri, D.O., for the above-described wrongful death and damage to the estate, together with interest and costs.

### **Count XVI.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Seven of Count XV above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the defendant, Danielle Granieri, D.O.'s failure to inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's treatment, the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Danielle Granieri, D.O., in an amount to be determined by a jury, together with interest and costs.

### **Count XVII.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Asra Jawed, M.D., was at all times relevant to this complaint a physician licensed to practice her profession in the Commonwealth of Massachusetts.

3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Asra Jawed, M.D., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that she was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's condition and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Asra Jawed, M.D., who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.
6. The death of Serena Lewis and the damage to her estate, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Asra Jawed, M.D., including, but not limited to the following:
  - a. Defendant's misrepresentations to the plaintiff's decedent's parents that she was knowledgeable, skillful, and competent to diagnose and treat the plaintiff's decedent's and her mother's medical condition on or about August 2016;
  - b. Defendant's failure to adequately and properly diagnose the plaintiff's decedent's and her mother's medical condition on or about August 2016, and her failure to prescribe proper and timely treatment for said condition;
  - c. Defendant's failure to recognize, or have the knowledge to recognize her inability and lack of skill to diagnose and treat the plaintiff's decedent and her mother, when the defendant knew or should have known in the exercise of due care, the foreseeable consequences of her inability and failure to properly and skillfully provide the plaintiff's decedent and her mother with acceptable medical and diagnostic services;
  - d. Defendant's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the medical profession practicing her specialty; and
  - e. Defendant's failure to inform and to warn of the risks involved in or associated with the plaintiff's decedent's and her mother's condition and failure to inform and to warn about the treatment of said condition.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Asra Jawed, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

### **Count XVIII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XVII above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the carelessness and negligence of the defendant, Asra Jawed, M.D., the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Asra Jawed, M.D., in an amount to be determined by a jury, together with interest and costs.

### **Count XIX.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Asra Jawed, M.D., was at all times relevant to this complaint a physician licensed to practice her profession in the Commonwealth of Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Asra Jawed, M.D., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that she was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Asra Jawed, M.D., who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.
6. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Asra Jawed, M.D., or by the gross negligence of the defendant on or about August 2016.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Asra Jawed, M.D., for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

## **Count XX.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XIX above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Asra Jawed, M.D., the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Asra Jawed, M.D., for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

## **Count XXI.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XVII above, as if expressly rewritten and set forth herein.
2. On or about August 2016, the defendant, Asra Jawed, M.D., contracted with the plaintiff's decedent's parents to provide professional services related to the plaintiff's decedent's and her mother's medical care and treatment.
3. The defendant, Asra Jawed, M.D., expressly and impliedly warranted to the plaintiff's decedent's parents that she would perform and render said professional services in accordance with accepted standards for the practice of medicine, and that she would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty.
4. On or about August 2016, the defendant, Asra Jawed, M.D., breached her express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of medicine, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty, which breach resulted in the death of Serena Lewis.
5. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Asra Jawed, M.D.'s breach of express and implied warranties.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Asra Jawed, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

## **Count XXII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Five of Count XXI above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the breach of express and implied warranties by the defendant, Asra Jawed, M.D., the plaintiff's decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Asra Jawed, M.D., in an amount to be determined by a jury, together with interest and costs.

## **Count XXIII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XVII above, as if expressly rewritten and set forth herein.
2. On or about August 2016, average qualified members of the medical profession practicing the defendant's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.
3. On or about August 2016, the defendant, Asra Jawed, M.D., knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.
4. On or about August 2016, the defendant, Asra Jawed, M.D., did not inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent and her mother.
5. If the defendant, Asra Jawed, M.D., had informed the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent, neither the plaintiff's decedent's parents nor a reasonable person in their position would have elected the defendant's choice of treatment.
6. The alternatives to and the risks and potential consequences of the defendant's choice of treatment were material to a decision by the plaintiff's decedent's parents and a reasonable person in their position as to whether to have the plaintiff's decedent and her mother undergo the defendant's choice of treatment.
7. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Asra Jawed, M.D.'s failure to obtain the informed consent of the plaintiff's decedent's parents.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Asra Jawed, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

#### **Count XXIV.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Seven of Count XXIII above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the defendant, Asra Jawed, M.D.'s failure to inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's treatment, the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Asra Jawed, M.D., in an amount to be determined by a jury, together with interest and costs.

#### **Count XXV.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Heather Sankey, M.D., was at all times relevant to this complaint a physician licensed to practice her profession in the Commonwealth of Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Heather Sankey, M.D., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that she was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's condition and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Heather Sankey, M.D., who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.
6. The death of Serena Lewis and the damage to her estate, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Heather Sankey, M.D., including, but not limited to the following:

- a. Defendant's misrepresentations to the plaintiff's decedent's parents that she was knowledgeable, skillful, and competent to diagnose and treat the plaintiff's decedent's and her mother's medical condition on or about August 2016;
- b. Defendant's failure to adequately and properly diagnose the plaintiff's decedent's and her mother's medical condition on or about August 2016, and her failure to prescribe proper and timely treatment for said condition;
- c. Defendant's failure to recognize, or have the knowledge to recognize her inability and lack of skill to diagnose and treat the plaintiff's decedent and her mother, when the defendant knew or should have known in the exercise of due care, the foreseeable consequences of her inability and failure to properly and skillfully provide the plaintiff's decedent and her mother with acceptable medical and diagnostic services;
- d. Defendant's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the medical profession practicing her specialty; and
- e. Defendant's failure to inform and to warn of the risks involved in or associated with the plaintiff's decedent's and her mother's condition and failure to inform and to warn about the treatment of said condition.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Heather Sankey, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

### **Count XXVI.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XXV above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the carelessness and negligence of the defendant, Heather Sankey, M.D., the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Heather Sankey, M.D., in an amount to be determined by a jury, together with interest and costs.

### **Count XXVII.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.

2. The defendant, Heather Sankey, M.D., was at all times relevant to this complaint a physician licensed to practice her profession in the Commonwealth of Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Heather Sankey, M.D., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that she was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Heather Sankey, M.D., who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.
6. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Heather Sankey, M.D., or by the gross negligence of the defendant on or about August 2016.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Heather Sankey, M.D., for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

### **Count XXVIII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XXVII above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Heather Sankey, M.D., the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Heather Sankey, M.D., for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

## **Count XXIX.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XXV above, as if expressly rewritten and set forth herein.
2. On or about August 2016, the defendant, Heather Sankey, M.D., contracted with the plaintiff's decedent's parents to provide professional services related to the plaintiff's decedent's and her mother's medical care and treatment.
3. The defendant, Heather Sankey, M.D., expressly and impliedly warranted to the plaintiff's decedent's parents that she would perform and render said professional services in accordance with accepted standards for the practice of medicine, and that she would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty.
4. On or about August 2016, the defendant, Heather Sankey, M.D., breached her express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of medicine, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty, which breach resulted in the death of Serena Lewis.
5. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Heather Sankey, M.D.'s breach of express and implied warranties.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Heather Sankey, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

## **Count XXX.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Five of Count XXIX above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the breach of express and implied warranties by the defendant, Heather Sankey, M.D., the plaintiff's decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Heather Sankey, M.D., in an amount to be determined by a jury, together with interest and costs.

### **Count XXXI.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XXV above, as if expressly rewritten and set forth herein.
2. On or about August 2016, average qualified members of the medical profession practicing the defendant's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.
3. On or about August 2016, the defendant, Heather Sankey, M.D., knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.
4. On or about August 2016, the defendant, Heather Sankey, M.D., did not inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent and her mother.
5. If the defendant, Heather Sankey, M.D., had informed the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent, neither the plaintiff's decedent's parents nor a reasonable person in their position would have elected the defendant's choice of treatment.
6. The alternatives to and the risks and potential consequences of the defendant's choice of treatment were material to a decision by the plaintiff's decedent's parents and a reasonable person in their position as to whether to have the plaintiff's decedent and her mother undergo the defendant's choice of treatment.
7. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Heather Sankey, M.D.'s failure to obtain the informed consent of the plaintiff's decedent's parents.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Heather Sankey, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

### **Count XXXII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Seven of Count XXXI above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the defendant, Heather Sankey, M.D.'s failure to inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's treatment, the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Heather Sankey, M.D., in an amount to be determined by a jury, together with interest and costs.

### **Count XXXIII.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Renee Thibodeau, M.D., was at all times relevant to this complaint a physician licensed to practice her profession in the Commonwealth of Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Renee Thibodeau, M.D., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that she was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's condition and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Renee Thibodeau, M.D., who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.
6. The death of Serena Lewis and the damage to her estate, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Renee Thibodeau, M.D., including, but not limited to the following:
  - a. Defendant's misrepresentations to the plaintiff's decedent's parents that she was knowledgeable, skillful, and competent to diagnose and treat the plaintiff's decedent's and her mother's medical condition on or about August 2016;
  - b. Defendant's failure to adequately and properly diagnose the plaintiff's decedent's and her mother's medical condition on or about August 2016, and her failure to prescribe proper and timely treatment for said condition;
  - c. Defendant's failure to recognize, or have the knowledge to recognize her inability and lack of skill to diagnose and treat the plaintiff's decedent and her mother, when the defendant knew or should have known in the exercise of due care, the foreseeable consequences of her inability and failure to properly and skillfully provide the plaintiff's decedent and her mother with acceptable medical and diagnostic services;
  - d. Defendant's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the medical profession practicing her specialty; and

- e. Defendant's failure to inform and to warn of the risks involved in or associated with the plaintiff's decedent's and her mother's condition and failure to inform and to warn about the treatment of said condition.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Renee Thibodeau, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

#### **Count XXXIV.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XXXIII above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the carelessness and negligence of the defendant, Renee Thibodeau, M.D., the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Renee Thibodeau, M.D., in an amount to be determined by a jury, together with interest and costs.

#### **Count XXXV.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Renee Thibodeau, M.D., was at all times relevant to this complaint a physician licensed to practice her profession in the Commonwealth of Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Renee Thibodeau, M.D., represented and held herself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that she was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Renee Thibodeau, M.D., who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.

6. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Renee Thibodeau, M.D., or by the gross negligence of the defendant on or about August 2016.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Renee Thibodeau, M.D., for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

### **Count XXXVI.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XXXV above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Renee Thibodeau, M.D., the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Renee Thibodeau, M.D., for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

### **Count XXXVII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XXXIII above, as if expressly rewritten and set forth herein.
2. On or about August 2016, the defendant, Renee Thibodeau, M.D., contracted with the plaintiff's decedent's parents to provide professional services related to the plaintiff's decedent's and her mother's medical care and treatment.
3. The defendant, Renee Thibodeau, M.D., expressly and impliedly warranted to the plaintiff's decedent's parents that she would perform and render said professional services in accordance with accepted standards for the practice of medicine, and that she would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty.
4. On or about August 2016, the defendant, Renee Thibodeau, M.D., breached her express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of medicine, and by failing to possess and exercise that

degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty, which breach resulted in the death of Serena Lewis.

5. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Renee Thibodeau, M.D.'s breach of express and implied warranties.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Renee Thibodeau, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

### **Count XXXVIII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Five of Count XXXVII above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the breach of express and implied warranties by the defendant, Renee Thibodeau, M.D., the plaintiff's decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Renee Thibodeau, M.D., in an amount to be determined by a jury, together with interest and costs.

### **Count XXXIX.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XXXIII above, as if expressly rewritten and set forth herein.
2. On or about August 2016, average qualified members of the medical profession practicing the defendant's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.
3. On or about August 2016, the defendant, Renee Thibodeau, M.D., knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.
4. On or about August 2016, the defendant, Renee Thibodeau, M.D., did not inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent and her mother.
5. If the defendant, Renee Thibodeau, M.D., had informed the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the

plaintiff's decedent, neither the plaintiff's decedent's parents nor a reasonable person in their position would have elected the defendant's choice of treatment.

6. The alternatives to and the risks and potential consequences of the defendant's choice of treatment were material to a decision by the plaintiff's decedent's parents and a reasonable person in their position as to whether to have the plaintiff's decedent and her mother undergo the defendant's choice of treatment.
7. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Renee Thibodeau, M.D.'s failure to obtain the informed consent of the plaintiff's decedent's parents.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Renee Thibodeau, M.D., for the above-described wrongful death and damage to the estate, together with interest and costs.

### **Count XL.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Seven of Count XXXIX above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the defendant, Renee Thibodeau, M.D.'s failure to inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's treatment, the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Renee Thibodeau, M.D., in an amount to be determined by a jury, together with interest and costs.

### **Count XLI.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, was at all times relevant to this complaint a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 759 Chestnut Street, Springfield, in Hampden County, Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.

4. At all times relevant to this complaint, the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, represented and held itself out to be a medical entity, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that it was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.
6. The death of Serena Lewis and the damage to her estate, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, including, but not limited to the following:
  - a. Defendant's misrepresentations to the plaintiff's decedent's parents that it was knowledgeable, skillful, and competent to diagnose and treat the plaintiff's decedent's and her mother's medical condition on or about August 2016;
  - b. Defendant's failure to adequately and properly diagnose the plaintiff's decedent's and her mother's medical condition on or about August 2016, and its failure to prescribe proper and timely treatment for said condition;
  - c. Defendant's failure to recognize, or have the knowledge to recognize its inability and lack of skill to diagnose and treat the plaintiff's decedent and her mother, when the defendant knew or should have known in the exercise of due care, the foreseeable consequences of its inability and failure to properly and skillfully provide the plaintiff's decedent and her mother with acceptable medical and diagnostic services;
  - d. Defendant's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the medical profession practicing its specialty;
  - e. Defendant's failure to inform and to warn of the risks involved in or associated with the plaintiff's decedent's and her mother's condition and failure to inform and to warn about the treatment of said condition; and
  - f. Defendant's failure to exercise reasonable care in hiring, supervising, employing and/or continuing to employ its agents, servants, or employees.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, for the above-described wrongful death and damage to the estate, together with interest and costs.

## **Count XLII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XLI above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the carelessness and negligence of the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, in an amount to be determined by a jury, together with interest and costs.

## **Count XLIII.**

1. The plaintiff, Leanna Lewis, is the duly appointed Personal Representative of the Estate of Serena Lewis and is a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, was at all times relevant to this complaint a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 759 Chestnut Street, Springfield, in Hampden County, Massachusetts.
3. This action is brought to recover for the wrongful death of Serena Lewis for the benefit of her next of kin, pursuant to M.G.L.A. c. 229 §1 et seq.
4. At all times relevant to this complaint, the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, represented and held itself out to be a medical entity, skilled in the treatment of various illnesses and conditions and, in particular, represented to the plaintiff's decedent's parents that it was knowledgeable, competent, and qualified to diagnose and treat the plaintiff's decedent's and her mother's condition on or about August 2016.
5. On or about August 2016, the plaintiff's decedent's parents submitted the plaintiff's decedent and her mother to the care and treatment of the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, who negligently, carelessly, and without regard for the plaintiff's decedent's and her mother's health and well-being, treated the plaintiff's decedent and her mother in a manner resulting in the plaintiff's decedent's death on 8/23/16.
6. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its

agents, servants, or employees, or by the gross negligence of the defendant on or about August 2016.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

#### **Count XLIV.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XLIII above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the malicious, willful, wanton or reckless conduct of the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, for the above-described wrongful death and damage to the estate, together with punitive damages, interest and costs.

#### **Count XLV.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XLI above, as if expressly rewritten and set forth herein.
2. On or about August 2016, the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, contracted with the plaintiff's decedent's parents to provide professional services related to the plaintiff's decedent's and her mother's medical care and treatment.
3. The defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, expressly and impliedly warranted to the plaintiff's decedent's parents that it would perform and render said professional services in accordance with accepted standards for the practice of medicine, and that it would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing its specialty.
4. On or about August 2016, the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, breached its express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice

of medicine, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing its specialty, which breach resulted in the death of Serena Lewis.

5. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic's breach of express and implied warranties.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, for the above-described wrongful death and damage to the estate, together with interest and costs.

### **Count XLVI.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Five of Count XLV above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the breach of express and implied warranties by the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, the plaintiff's decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, in an amount to be determined by a jury, together with interest and costs.

### **Count XLVII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Six of Count XLI above, as if expressly rewritten and set forth herein.
2. On or about August 2016, average qualified members of the medical profession practicing the defendant's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.
3. On or about August 2016, the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the plaintiff's decedent and her mother.

4. On or about August 2016, the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, did not inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent and her mother.
5. If the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents, servants, or employees, had informed the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the plaintiff's decedent and her mother, neither the plaintiff's decedent's parents nor a reasonable person in their position would have elected the defendant's choice of treatment.
6. The alternatives to and the risks and potential consequences of the defendant's choice of treatment were material to a decision by the plaintiff's decedent's parents and a reasonable person in their position as to whether to have the plaintiff's decedent and her mother undergo the defendant's choice of treatment.
7. The death of Serena Lewis and the damage to her estate, including, but not limited to her funeral and burial expenses, were the direct and proximate result of the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents', servants', or employees' failure to obtain the informed consent of the plaintiff's decedent's parents.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, for the above-described wrongful death and damage to the estate, together with interest and costs.

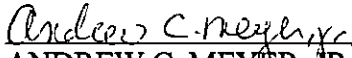
### **Count XLVIII.**

1. The plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, repeats and reavers all of the allegations contained in Paragraphs One through Seven of Count XLVII above, as if expressly rewritten and set forth herein.
2. This action is brought to recover for the conscious pain and suffering of the decedent, Serena Lewis.
3. As the direct and proximate result of the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, by its agents', servants', or employees' failure to inform the plaintiff's decedent's parents of the alternatives to and risks and potential consequences of the defendant's treatment, the decedent, Serena Lewis, was caused to suffer consciously up to and until her time of death.

WHEREFORE, the plaintiff, Leanna Lewis, as duly appointed Personal Representative of the Estate of Serena Lewis, prays judgment against the defendant, Baystate Health, Inc., d/b/a Wesson Women's Clinic, in an amount to be determined by a jury, together with interest and costs.

PLAINTIFFS CLAIM TRIAL BY JURY.

Respectfully submitted,  
The plaintiff,  
By her attorney,

  
ANDREW C. MEYER, JR.  
LUBIN & MEYER, P.C.  
100 City Hall Plaza  
Boston, MA 02108  
(617) 720-4447  
BBO#: 344300

