

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

AMANDA DESHEA WYNN,

Plaintiff,

-versus-

SUMMIT MEDICAL ASSOCIATES, P.C.;
And MICHAEL R. WOLFSON, M.D.,
individually, and as an agent and employee of
Summit Medical Associates P.C.,

Defendants.

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CIVIL CASE NO.
2017CV298352

[DEMAND FOR JURY TRIAL]

COMPLAINT

COMES NOW Plaintiff, Amanda Deshea Wynn, by and through her attorneys, and files her Complaint against the above-named Defendants, and hereby alleges as follows:

I. NATURE OF ACTION

This is an action based upon allegations of professional negligence, ordinary negligence, or a combination of professional and ordinary negligence arising out of medical care and treatment rendered to Plaintiff, Amanda Deshea Wynn, in November of 2015, while a patient under the care of Summit Medical Associates, P.C., and Michael R. Wolfson, M.D.,

II. PARTIES

1. The Plaintiff, Amanda Deshea Wynn, (hereinafter referred to as "Amanda"), is a resident of Hamilton County, Tennessee, and subjects herself to the jurisdiction of this Court.

2. Defendant Summit Medical Associates, P.C. (hereinafter referred to as "Summit"), is a domestic for-profit professional corporation organized under the laws of the State of Georgia with its principle place of business being located at 1874 Piedmont Ave. NE, Atlanta, Fulton County, Georgia, and process may be served upon its registered agent, Elizabeth Hillston at: 1874 Piedmont Ave. NE, Atlanta, Fulton County, Georgia 30324.

3. Defendant, Michael Wolfson, M.D. (hereinafter referred to as “Wolfson”) is a medical doctor individual who resides in Fulton County, Georgia. At all times relevant to this action, Wolfson was a physician duly licensed under the laws of the State of Georgia to practice medicine, specializing in obstetrics and gynecology.

4. At all times relevant herein, Wolfson was Chief Financial Officer and Secretary of Summit, and may be served at his present place of business located at: **1874 Piedmont Ave. NE, Atlanta, Fulton County, Georgia 30324**. Alternatively, Wolfson may be served upon his person at: **1070 Riverside Trace, NW, Sandy Springs, GA 30328-3655**.

III. JURISDICTION AND VENUE

5. Defendants are subject to the jurisdiction and venue of this Court. This Court has personal jurisdiction over Summit because Summit has solicited business in the State of Georgia, operates outpatient medical clinics in the State of Georgia, has committed the acts described below in Fulton County, Georgia, and otherwise has sufficient minimum contacts with the State of Georgia.

IV. AGENCY

6. At all times relevant to this action, Defendant Summit provided medical care and treatment to Amanda through agents and employees acting incident to and within the course and scope of their agency or employment with Summit.

7. At all times relevant to this action, Defendant Wolfson conducted his medical practice by performing his medical services as the agent and employee of Defendant Summit.

8. At all times relevant to this action, Defendant Wolfson was acting within the scope of his agency and employment relationship with Summit.

V. FACTUAL STATEMENT

9. At all times relevant to this action, Defendants held themselves out to Amanda and to members of the general public as being competent to provide obstetrics and gynecology treatment and generally accepted care and treatment to those people admitted as patients.

10. In reliance upon the reputation of Defendants, Amanda became a patient at Summit in November 2015.

11. Amanda contacted Summit for the purpose of obtaining advice and services for the termination of her then existing pregnancy.

12. Upon information and belief, Wolfson was the primary physician responsible for providing Amanda's care and treatment.

13. Amanda's first contact with Wolfson was on November 25, 2015.

14. On November 25, 2015, Wolfson undertook to render medical care to Amanda in order to perform a dilation and extraction abortion procedure, commonly referred to as a D&E procedure, of a purported twenty-one (21) week old fetus, and to monitor and care for Amanda during and after surgical procedure.

15. Upon information and belief, and within minutes of starting the abortion on, Wolfson perforated the wall of Amanda's uterus causing extensive damage to it and several uterine attachments.

16. The damage incurred by Amanda was so extensive that she suffered severe loss of blood, requiring her emergency transport via ambulance to Grady Memorial Hospital (hereinafter referred to as "Grady").

17. Amanda arrived at the Grady emergency room in shock and with a severely low blood pressure of 78/32.

18. According to medical records, emergency room personnel determined that Amanda suffered a loss of more than 2000 milliliters of blood, which necessitated her receiving a blood transfusion consisting of four (4) units of blood.

19. Medical records report that Amanda was immediately prepped and taken emergently to the operating room for a laparotomy.

20. Physicians performing the laparotomy determined that during the course of abortion procedure, Wolfson caused extensive damage to Amanda's uterus.

21. In particular, it was determined that Wolfson had cut a hole in the left side of the Amanda's uterus that opened into the abdominal cavity, a complete avulsion of the left uterine artery and round ligament, and dehiscence of the broad ligament.

22. The damage caused to Amanda's uterus was so extensive it necessitated an emergency hysterectomy.

23. Physicians further discovered remaining fetal tissue outside the uterus in the upper right quadrant of Amanda's abdomen, indicating that Wolfson failed to complete the abortion.

24. The tissue discovered by physicians consisted of the fetus' head, upper left torso, and left arm.

25. It was not until she recovered from her anesthesia that Amanda discovered that she would not be able to have any more children as a result of the botched procedure.

26. Wolfson had not advised her that this result was a possibility and had she been told of that, she would not have consented to the operation.

27. After the procedure, Wolfson refused to speak with Amanda directly, although his nurse did call once to inform her of the problem and offer consolation.

28. At all times pertinent to this action, the Defendant Wolfson was an agent in Defendant Summit's professional corporation.

29. The proximate cause of Amanda's injuries were the negligence of the Defendants and they were negligent in the following particulars:

- a. In failing to utilize ultrasound to guide dilation and tissue extraction;
- b. In failing to recognize uterine perforation;
- c. In failing to terminate the procedure immediately upon recognition of the perforation; and
- d. In failing to account for all fetal body parts.

29. As a result of one or more of the above, Amanda has suffered severe injury as well as permanent injury.

30. Amanda was twenty-six (26) years old at the time and had a normal expectancy to carry another child if she had been afforded proper medical care and treatment.

VI. CAUSES OF ACTION

COUNT I: -NEGLIGENCE-

31. Amanda hereby repeats and realleges each and every allegation contained above as if fully set forth herein.

32. At all times relevant to this action, Defendant Wolfson had a duty to exercise reasonable care in providing the care and treatment of Amanda so as not to subject Amanda to unreasonable and/or enhance risk of injury.

33. On November 25, 2015, Defendant Wolfson failed to exercise that degree of care, skill, and diligence required of reasonably careful physicians under the same conditions and like circumstances.

34. Defendant Wolfson is liable to Amanda for the injuries and damages she sustained in that Defendant Wolfson's negligence was the direct and proximate cause of the injuries and damages sustained by Amanda.

35. Wherefore, Amanda demands judgment against Defendants, jointly and severally, on Count I in an amount in excess of Ten Thousand Dollars (\$10,000.00), plus all costs of this action.

36. As a result of the injuries which Amanda received, she underwent excruciating physical and pain and suffering which persisted for weeks which she received through the combined negligence of the Defendants.

37. Furthermore, as a result of the injuries which Amanda received, she underwent excruciating mental pain and suffering which continues to persist as the result of injuries she received through the combined negligence of the Defendants.

COUNT II:
-PROFESSIONAL NEGLIGENCE-

38. Amanda hereby repeats and realleges each and every allegation contained above as if fully set forth herein.

39. At all times material to this action, Defendant Wolfson had a duty to exercise that degree of care, skill and diligence required of reasonably careful professionals under the same conditions and like circumstances.

40. On November 25, 2015, Defendant Wolfson failed to exercise that degree of care, skill and diligence required of reasonably careful physicians under the same conditions and like circumstances.

41. Defendant Wolfson is liable to Amanda for the injuries and damages she sustained in that Defendant Wolfson's failure to exercise the degree of care, skill and diligence required of reasonably careful professionals and physicians under the same conditions and like circumstances was a direct and proximate cause of the injuries and damages sustained by Amanda.

42. Pursuant to the contemporaneous filing requirement of O.C.G.A. Section 9-11-9.1(a), Plaintiff has attached to this Complaint the Affidavit of C. David Adair, M.D., said Affidavit

identifying at least one act or omission and the factual basis for each such claim being attached hereto as **Exhibit “A”** and by reference made a part hereof.

43. Pursuant to the contemporaneous filing requirement of O.C.G.A. Section 9-11-9.2, Plaintiff has attached to this Complaint a medical authorization, said authorization being attached hereto as **Exhibit “B”** and by reference made a part hereof.

Wherefore, Amanda demands judgment against Defendants, jointly and severally, on Count II in an amount in excess of Ten Thousand Dollars (\$10,000.00), plus all costs of this action.

DEMAND FOR JURY TRIAL

Amanda hereby demands a jury trial for each claim for which she has a right to a jury.

WHEREFORE Plaintiff prays for the following relief:

- (a) That Summons and Complaint be served upon Defendants according to law;
- (b) That Amanda have judgment against the Defendants jointly and severally for an appropriate amount to be fixed by the jury under Counts I and II of this Complaint.
- (c) That Amanda recover from Defendants a sum of damages to compensate for injuries and damages, including but not limited to, past and future medical expenses, past, present, and future pain and suffering as aforesaid;
- (d) That Amanda recover from Defendants a sum of damages to compensate for attorney’s fees and costs of litigation pursuant to O.C.G.A. § 13-6-11;
- (e) That Amanda be awarded prejudgment interest on her damages as allowed by law;
- (f) That Amanda be awarded interest on the judgment at the legal rate from the date of judgment;
- (g) That Defendant be taxed all costs of this action; and
- (h) That Amanda be awarded any and all other relief the Court may deem just and proper.

[Signatures on following page]

Respectfully submitted,

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