

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

2014 AUG 26 PM 2:12

IN THE COURT OF CLAIMS
STATE OF OHIO

Tina Carroll
5911 Semoff Drive
Toledo, OH 43613

Plaintiff

v.

University of Toledo Medical Center
3000 Arlington Avenue
Toledo, OH 43614

and

John Geisler, MD
Athens Regional Medical Center
c/o Eric Quirion, Director of Graduate
Medical Education
1911 Prince Avenue
Athens, GA 30606

and

Samay Jain, MD
Medical Pavilion
1125 Hospital Drive
Toledo, OH 43614

and

Ronica Neuhoff, MD
Rupert Health Center
3125 Transverse Drive
Toledo, OH 43614

Defendants

Case No.

2014-00722

JUDGE

COMPLAINT

Robert W. Bryce (0006527)
SCHLAGETER & BRYCE CO., LPA
715 S. Coy Road
Oregon, OH 43616
Telephone: 419-691-2435
Fax: 419-691-1209
Email: bryce@sbattylaw.com

John R. Kuhl (0014998)
3150 Republic Blvd. North
Suite 1
Toledo, OH 43615
Telephone: 419-473-1431
Email: jrkuhlatty@bex.net

Counsel for Plaintiff

ON COMPUTER

Now comes Plaintiff, Tina Carroll, by and through counsel, Robert W. Bryce and John R. Kuhl, who for her Complaint against the Defendants, states as follows:

GENERAL ALLEGATIONS

1. That at all times material, Plaintiff, Tina Carroll, was a resident of Lucas County, Ohio.
2. That at all times material, Defendant, University of Toledo Medical Center, was a duly licensed hospital, operating under the laws of the State of Ohio and located at 3000 Arlington Avenue, Toledo, Lucas County, Ohio 43614.
3. That at all times material, Defendant, John Geisler, MD, was a duly licensed physician and surgeon engaged in the practice of gynecological medicine in Lucas County, Ohio.
4. That at all times material, Defendant, Samay Jain, MD, was a duly licensed physician and surgeon engaged in the practice of urology in Lucas County, Ohio.
5. That at all times material, Defendant, Ronica Neuhoff, MD, was a duly licensed physician and surgeon engaged in the practice of gynecology in Lucas County, Ohio.

FIRST CAUSE OF ACTION
University of Toledo Medical Center

6. That Plaintiff re-alleges the allegations of paragraphs 1 through 5 as if the same had been completely rewritten herein.
7. That Plaintiff was a patient of Defendant, University of Toledo Medical Center (UTMC), from on or about March 25, 2013 to March 27, 2013, from

on or about April 8, 2013 through May 22, 2013, from on or about May 30, 2013 through August 23, 2013, and from on or about October 9, 2013 through October 14, 2013.

8. That during the course of a surgical intervention March 25, 2013, Defendant, UTMC, acting by and through its agents and employees, failed to remove a pale tan piece of gauze measuring 36 x 26 x 0.3 cm with attached string measuring 13 cm from the Plaintiff's body, leaving said gauze within Plaintiff's body upon closure of the incision at the end of the surgical intervention.
9. That Defendant, UTMC, acting by and through its agents and employees, negligently departed from the accepted standards of medical care and treatment in its care and treatment of Plaintiff by failing to remove the surgical gauze upon closure of the incision, by failing to properly care, treat, and monitor Plaintiff's identifiable medical symptomology, by failing to respond promptly, vigorously, and adequately to Plaintiff's identifiable medical needs, and by allowing a foreign object to remain in the body of the Plaintiff at conclusion of the surgical intervention.
10. That as a direct and proximate result of the negligence of Defendant, UTMC, acting by and through its agents and employees, aforesaid, Plaintiff sustained severe and permanent injury, including, but not limited to, large bladder defects, infection with resultant prurient fluid, a pelvic mass, vesicovaginal fistulas, an enterovaginal fistula, injury to the small

bowel, and a vesicoperitoneal fistula; that the care and treatment of Plaintiff's injuries required Plaintiff to submit to examinations, x-rays, surgeries, and medical treatment, including the taking of drugs and medications to combat the severe pain from which Plaintiff suffered, that Plaintiff has incurred expenses for the care and treatment of her injuries in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff has incurred out-of-pocket expenses in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff has been subjected to severe pain and suffering, inconvenience, discomfort, a disruption of lifestyle, a decreased enjoyment of life, and a decreased quality of life; that the injuries resulting from this Defendant's negligence are permanent and partially disabling; that Plaintiff will incur expenses for future medical care and treatment as a direct and proximate result of this Defendant's negligence in the sum which cannot now be determined by due and reasonable diligence; that Plaintiff will incur out-of-pocket expenses in the future in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff will continue to experience pain and suffering, discomfort, a disruption of lifestyle, a decreased enjoyment of life, and a decreased quality of life into the foreseeable future with all the foregoing to her damages.

11. That Plaintiff sent Defendant UTMC a "180 day" letter, pursuant to R. C. 2305.113, as amended, which was received by Defendant UTMC on or

about March 7, 2014, extending the applicable Statute of Limitations until and including September 2, 2014.

WHEREFORE, Plaintiff, Tina Carroll, prays judgment for a monetary amount against Defendant, University of Toledo Medical Center, in a sum in excess of \$25,000.00 and commensurate to her damages described herein, interest from date of injury, her costs of Court, and for any and all other relief the Court deems just, proper, and equitable.

SECOND CAUSE OF ACTION

John Geisler, MD

12. That Plaintiff incorporates paragraphs 1 through 11, by reference, as if fully and completely rewritten herein.
13. That Plaintiff was a patient of and under the care and treatment of Defendant, John Geisler, MD, from on or about March 25, 2013 through on or about October 14, 2013.
14. That during the course of a surgical intervention March 25, 2013, Defendant, John Geisler, MD, failed to remove a pale tan piece of gauze measuring 36 x 26 x 0.3 cm with attached string measuring 13 cm from the body of the Plaintiff, prior to closing the surgical incision.
15. That during the course of a surgical intervention April 16, 2013, Defendant Geisler performed an exploratory laparotomy with small bowel resection and reanastomosis, enterovaginal fistula repair, vesicovaginal fistula repair, and an omental j flap upon Plaintiff; the post-operative diagnosis was enterovaginal fistula, vesicovaginal fistula, and necrotic bowel.

16. That during the course of a May 7, 2013 surgical intervention, Defendant Geisler performed a small bowel resection with reanastomosis, repair of a bladder dome leak, replacement of fascia with an autograph, and incision and drainage of 12 inch wound; the post-operative diagnosis was acute emergency abdominal surgery.
17. That during the course of an October 9, 2013 surgical intervention, Defendant Geisler performed an exploratory laparotomy with vesicovaginal fistula repair, a vesicoperitoneal fistula repair, a small bowel resection with reanastomosis, and a wound revision; the post-operative diagnosis was vesicovaginal fistula repair and vesicoperitoneal fistula.
18. That Defendant, John Geisler, MD, negligently departed from the accepted standards of medical care and treatment in his care and treatment of Plaintiff, Tina Carroll, by allowing a foreign object to be retained within the Plaintiff's body, following the March 25, 2013 surgical intervention, by failing to properly and adequately perform small bowel resection and reanastomosis, an enterovaginal fistula repair, a vesicovaginal fistula repair, and an omental j flap, during the course of the April 16, 2013 surgical intervention, and by failing to properly and adequately perform a small bowel resection with reanastomosis and repair of a bladder dome leak, during the course of a May 7, 2013 surgical intervention.

19. That Defendant, John Geisler, MD, negligently departed from the accepted standards of medical care and treatment by failing to properly care, treat, and monitor Plaintiff's identifiable medical symptomology, during the course of his care and treatment of Plaintiff.
20. That Defendant, John Geisler, MD, negligently departed from the accepted standards of care and treatment by failing to respond promptly, vigorously, and adequately to Plaintiff's identifiable medical needs.
21. That as a direct and proximate result of the negligence of Defendant, John Geisler, MD, aforesaid, Plaintiff sustained severe and permanent injury, including but not limited to, large bladder defects, infection with resultant prurient fluid, a pelvic mass, a vesicovaginal fistula, an enterovaginal fistula, injury to the small bowel, and vesicoperitoneal fistulas; that the care and treatment of Plaintiff's injuries required Plaintiff to submit to examinations, x-rays, surgeries, and medical treatment, including the taking of drugs and medications to combat the severe pain from which Plaintiff suffered, that Plaintiff has incurred expenses for the care and treatment of her injuries in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff has incurred out-of-pocket expenses in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff has been subjected to severe pain and suffering, inconvenience, discomfort, a disruption of lifestyle, a decreased enjoyment of life, and a decreased quality of life; that the injuries resulting

from this Defendant's negligence are permanent and partially disabling; that Plaintiff will incur expenses for future medical care and treatment as a direct and proximate result of this Defendant's negligence in the sum which cannot now be determined by due and reasonable diligence; that Plaintiff will continue to incur out-of-pocket expenses in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff will continue to experience pain and suffering, discomfort, a disruption of lifestyle, a decreased enjoyment of life, and a decreased quality of life into the foreseeable future with all the foregoing to her damages.

22. That Plaintiff sent Defendant, John Geisler, MD, a "180 day" letter, pursuant to R. C. 2305.113, as amended, which was received by Defendant, John Geisler, MD, on or about March 7, 2014, extending the applicable Statute of Limitations until and including September 2, 2014.

WHEREFORE, Plaintiff, Tina Carroll, prays judgment for a monetary amount against Defendant, John Geisler, MD, in a sum in excess of \$25,000.00 and commensurate to her damages described herein, interest from date of injury, her costs of Court, and for any and all other relief the Court deems just, proper, and equitable.

THIRD CAUSE OF ACTION

Samay Jain, MD

23. That Plaintiff incorporates paragraphs 1-22 by reference, as if the same had been fully and completely rewritten herein.

24. That Plaintiff was a patient of and under the care and treatment of Defendant, Samay Jain, MD, on or about April 9, 2013.

25. That Defendant, Samay Jain, MD, performed surgery on Plaintiff upon a urologic consult April 9, 2013.
26. That during the course of his April 9, 2013 surgical intervention, Defendant Jain identified a large bladder defect, posteriorly, near the base of the bladder, measuring approximately 2 cm in length.
27. That Defendant Jain attempted to repair the bladder defect, aforesaid, and during the course of such repair stitched the bladder to the small bowel. The stitch resulted in the proximal portion of the small bowel to become dilated and the distal portion to completely collapse, the defect draining succus entericus.
28. That Defendant, Samay Jain, MD, negligently departed from the accepted standards of medical care and treatment in his care and treatment of Plaintiff by stitching Plaintiff's bladder to Plaintiff's small bowel, by failing to monitor Plaintiff's identifiable medical symptomology, and by failing to respond promptly, vigorously, and adequately to Plaintiff's identifiable medical needs.
29. That as a direct and proximate result of the negligence of Defendant, Samay Jain, MD, aforesaid, Plaintiff sustained severe and permanent injury, including, but not limited to a necrotic bowel, several small bowel resections, several small bowel reanastomoses, and an enteroperitoneal fistula; that the care and treatment of Plaintiff's injuries required Plaintiff to submit to examinations, x-rays, surgeries, and medical treatment,

including the taking of drugs and medications to combat the severe pain from which Plaintiff suffered, that Plaintiff has incurred expenses for the care and treatment of her injuries in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff has incurred out-of-pocket expenses in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff has been subjected to severe pain and suffering, inconvenience, discomfort, a disruption of lifestyle, a decreased enjoyment of life, and a decreased quality of life; that the injuries and damages resulting from this Defendant's negligence are permanent and partially disabling; that Plaintiff will incur expenses for future medical care and treatment in the sum which cannot now be determined by due and reasonable diligence; that Plaintiff will continue to incur out-of-pocket expenses in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff will continue to experience pain and suffering, discomfort, a disruption of lifestyle, a decreased enjoyment of life, and a decreased quality of life into the foreseeable future with all the foregoing to her damages.

30. That Plaintiff sent Defendant, Samay Jain, MD, a "180 day" letter, pursuant to R. C. 2305.113, as amended, which was received by Defendant, Samay Jain, MD, on or about March 7, 2014, extending the applicable Statute of Limitations until and including September 2, 2014.

WHEREFORE, Plaintiff, Tina Carroll, prays judgment for a monetary amount against Defendant, Samay Jain, MD, in a sum in excess of \$25,000.00 and commensurate to her damages described herein, interest from date of injury, her costs of Court, and for any and all other relief the Court deems just, proper, and equitable.

FOURTH CAUSE OF ACTION
Ronica Neuhoff, MD

31. That Plaintiff incorporates by reference paragraphs 1 through 30 of Plaintiff's Complaint, as if the same had been fully and completely rewritten herein.
32. That Plaintiff was a patient of and under the care and treatment of Defendant, Ronica Neuhoff, MD, on April 9, 2013.
33. That during the course of the surgical intervention April 9, 2013, Dr. Neuhoff removed a pale tan piece of gauze measuring 36 x 26 x 0.3 cm with attached string measuring 13 cm from Plaintiff's body via a defect in the right vaginal cuff.
34. That Defendant, Ronica Neuhoff, MD, negligently departed from the accepted standards of medical care and treatment in her care and treatment of Plaintiff, Tina Carroll, by utilizing an improper methodology for removal of the foreign object, aforesaid.
35. That Defendant, Ronica Neuhoff, MD, negligently departed from the accepted standards of medical care and treatment by failing to properly care, treat, and monitor Plaintiff's identifiable medical symptomology, during the course of her care and treatment of Plaintiff.

36. That as a direct and proximate result of the negligence of Defendant, Ronica Neuhoff, MD, aforesaid, Plaintiff sustained severe and permanent injury, including but not limited to, large bladder defects, infection with resultant prurient fluid, a vesicovaginal fistula, an enterovaginal fistula, injury to the small bowel, and vesicoperitoneal fistulas; that the care and treatment of Plaintiff's injuries required Plaintiff to submit to examinations, x-rays, surgeries, and medical treatment, including the taking of drugs and medications to combat the severe pain from which Plaintiff suffered, that Plaintiff has incurred expenses for the care and treatment of her injuries in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff has incurred out-of-pocket expenses in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff has been subjected to severe pain and suffering, inconvenience, discomfort, a disruption of lifestyle, a decreased enjoyment of life, and a decreased quality of life; that the injuries resulting from this Defendant's negligence are permanent and partially disabling; that Plaintiff will incur expenses for future medical care and treatment as a direct and proximate result of this Defendant's negligence in the sum which cannot now be determined by due and reasonable diligence; that Plaintiff will continue to incur out-of-pocket expenses in an amount which cannot now be determined by due and reasonable diligence; that Plaintiff will continue to experience pain and suffering, discomfort, a disruption of lifestyle, a

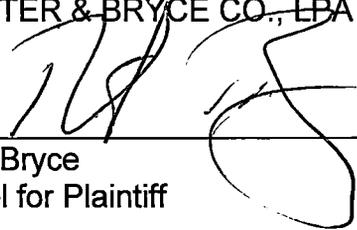
decreased enjoyment of life, and a decreased quality of life into the foreseeable future with all the foregoing to her damages.

37. That Plaintiff sent Defendant, Ronica Neuhoff, MD, a "180 day" letter, pursuant to R. C. 2305.113, as amended, which was received by Defendant, Ronica Neuhoff, MD, on or about March 7, 2014, extending the applicable Statute of Limitations until and including September 2, 2014.

WHEREFORE, Plaintiff, Tina Carroll, prays judgment for a monetary amount against Defendant, Ronica Neuhoff, MD, in a sum in excess of \$25,000.00 and commensurate to her damages described herein, interest from date of injury, her costs of Court, and for any and all other relief the Court deems just, proper, and equitable.

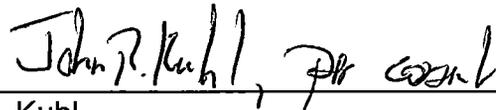
Respectfully submitted,

SCHLAGETER & BRYCE CO., LPA



Robert W. Bryce
Co-counsel for Plaintiff

LAW OFFICE OF JOHN R. KUHL



John R. Kuhl
Co-counsel for Plaintiff

SCHLAGETER & BRYCE CO., L.P.A.

ROBERT W. BRYCE

715 S. COY ROAD • OREGON, OHIO 43616-3007
419-691-2435 • FAX 419-691-1209 • www.sbattylaw.com

August 25, 2014

Court of Claims of Ohio
The Ohio Judicial Center
65 South Front Street
Third Floor
Columbus, OH 43215

2014 AUG 26 PM 2:11

FILED
COURT OF CLAIMS
OF OHIO

RE: Tina Carroll v. University of Toledo Medical Center, et al.
Our File No. 10/14-010

Dear Madam/Sir:

Enclosed, please find the following in the above-captioned matter:

1. An original and six (6) copies of a Complaint;
2. An original and two (2) copies of Motion for Extension of Time to File Affidavits of Merit and Journal Entry;
3. Our firm check in the amount of \$100.00 for filing fees.

RWB/RCB → check by C.M.

Once filed, kindly return a filed stamped copy of each in the self-addressed stamped envelope.

Very truly yours,

SCHLAGETER & BRYCE CO., LPA

by

[Signature]
Robert W. Bryce

RWB/sml

Enclosures