

[Insert caption.]

COMPLAINT AND JURY DEMAND

[Either]

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

[Or]

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in [this court / _____ Court], where it was given docket number _____ and was assigned to Judge _____. The action [remains / is no longer] pending.

COMPLAINT

Plaintiffs Jane Doe, a minor, by her next friend, Barbara Doe, and Barbara Doe and Stanley Doe, individually, state:

Count I

1. At all relevant times, Plaintiffs Jane Doe, Barbara Doe, and Stanley Doe were and still are residents of _____ County, Michigan.
2. Minor Plaintiff Jane Doe is less than 18 years old. This suit is brought in her name by her next friend, Barbara Doe.
3. Barbara Doe has been appointed as the next friend of Jane Doe.
4. The amount in controversy exceeds \$25,000 and is otherwise within the jurisdiction of this court.
5. At all relevant times, Defendant A. Doctor, MD, was engaged in the practice of her profession in [city], _____ County, Michigan, and held herself out to the public and, in particular, to Plaintiff Barbara Doe and her then unborn child, Minor Plaintiff Jane Doe, as a skilled medical doctor, specializing in obstetrics and gynecology and capable of properly and skillfully treating, caring for, and curing individuals seeking her services.
6. At all relevant times, Defendant A. Doctor, MD, PC, was a Michigan Professional Corporation duly organized and existing under the laws of Michigan and doing business in [city], _____ County, Michigan.
7. At all relevant times, _____ Hospital was and still is a corporation organized and existing under the laws of Michigan, and at all relevant times, and for many years past, operated and maintained the hospital pursuant to MCL 333.20141 and .21513 as a place where people afflicted with illness and disease are given care and treatment for consideration.
8. At all relevant times, Defendant Hospital represented and held out to the public and, in particular, to Plaintiffs Barbara Doe and Stanley Doe that the hospital was equipped, qualified, and prepared to receive the public and, in particular, Plaintiff Barbara Doe, for treatment and care and that it employed and maintained on its staff skilled and competent physicians, surgeons, anesthesiologists, residents, interns, nurses, and, in general, other

- competent help to conduct the business of and to operate the hospital.
9. At all relevant times, Defendants Hospital and A. Doctor, MD, PC, by their authorized agents, servants, and employees as well as Defendant A. Doctor, MD, undertook to examine, diagnose, treat, attend, and care for Plaintiff Barbara Doe and her then unborn child, Minor Plaintiff Jane Doe.
 10. On or about **[date]**, Barbara Doe submitted herself to the care and treatment of the Defendants A. Doctor, MD, and A. Doctor, MD, PC, for the specific purpose of receiving maternity care, assistance, and advice and impliedly or expressly hired and employed these Defendants to do what was proper and necessary according to the standards of medical doctors and obstetricians prevailing throughout the United States. These Defendants impliedly or expressly represented to use due, reasonable, and proper skill in caring for and treating Plaintiff Barbara Doe and her then unborn child, Minor Plaintiff Jane Doe.
 11. On or about **[time and date]**, Minor Plaintiff Jane Doe was born.
 12. Defendants A. Doctor, MD; A. Doctor, MD, PC; and _____ Hospital, in disregard of their duties and obligations to Plaintiffs and at variance with national standards, committed the following acts and omissions of negligence and malpractice:
 - a. employed physicians, surgeons, radiologists, technicians, and other personnel who were unskilled, incompetent, and unfit for such employment and permitted them to attend, advise, diagnose, and treat Plaintiffs
 - b. failed to draft, promulgate, adopt, or enforce appropriate rules, regulations, policies, procedures, bylaws, orders, and constitutional provisions that could and should have prevented the acts and negligence committed against Plaintiffs and that also could and should have prevented the injuries that Plaintiffs suffered, all of which could and should have been accomplished
 - c. failed to provide and furnish Plaintiffs with the proper medical care and treatment
 - d. failed to perform fetal well-being studies after the pregnancy had gone postdate, which could and should have been accomplished
 - e. failed to comprehend the significance of the reduced quantities of amniotic fluid, which could and should have been accomplished
 - f. failed to appreciate that the fetus required scrupulous surveillance during the course of labor, which could and should have been accomplished
 - g. failed to appreciate the significance of the fact that the fetal head was unengaged at the onset of labor, which could and should have been accomplished
 - h. failed to ascertain if the birth canal was adequate for the size of the fetal head before the onset of oxytocin stimulation, which could and should have been accomplished
 - i. negligently performed an artificial rupture of membranes and induced labor with Pitocin in the presence of an unengaged fetal head
 - j. negligently administered Pitocin after uterine hyperstimulation was

- apparent
 - k. negligently administered Pitocin after fetal distress was or should have been noted
 - l. negligently failed to apprehend the significance of slow dilatation of the cervix in the first stage of labor
 - m. negligently failed to apprehend that this labor required scrupulous surveillance during the second stage of labor, which could and should have been accomplished
 - n. negligently allowed the second stage of labor to continue for 4.5 hours with no change in the fetal station
 - o. negligently failed to do a cesarean section after it was apparent that no progress was being made in the descent of the fetus's head
 - p. failed to monitor the fetus continuously, even after fetal distress was noted on the fetal monitor tapes, which could and should have been accomplished
 - q. failed to administer oxygen to the mother after fetal distress was apparent, which could and should have been accomplished
 - r. failed to turn Barbara Doe on her left side after fetal distress was apparent, which could and should have been accomplished
 - s. failed to increase the IV rate to Barbara Doe after fetal distress was apparent, which could and should have been accomplished
 - t. negligently allowed Barbara Doe to sit on the toilet seat to push during a time when the fetal monitor should have been attached and oxygen should have been administered
 - u. failed to perform an immediate cesarean section, even after a decision had been made to do so
 - v. failed to ascertain whether the fetus was being adequately oxygenated, after nonreassuring fetal heart tones were apparent, by performing a scalp pH or scalp stimulation, all of which could and should have been accomplished
 - w. failed to perform vaginal examinations at proper time intervals during the second stage of labor, which could and should have been accomplished
 - x. failed to inform A. Doctor, MD, of fetal distress; the failure of the fetus to respond to intrauterine resuscitation; difficulty determining the length, strength, and duration of the contractions; and the lack of progress in the descent of the fetus's head
 - y. failed to use an intrauterine pressure catheter, which could and should have been accomplished
 - z. failed to properly monitor the mother's vital signs throughout this labor, even after fetal distress was noted on the fetal monitor tapes, which could and should have been accomplished
 - aa. negligently failed to monitor and accurately report the station of the fetus's head during the entire second stage of labor
 - ab. committed other acts and omissions that constituted negligence or malpractice to be determined by discovery
13. As a direct and proximate result of the negligence and malpractice of Defendants, together and individually, as described and alleged in this

complaint, Minor Plaintiff Jane Doe suffered a massive hypoxic insult and, as a consequence, has failed to develop normally; has suffered central nervous system damage, including cerebral palsy, motor damage, and mental retardation; requires special care and treatment; and will, for the remainder of her life, be required to receive special care, treatment, education, and training.

14. As a further direct and proximate result of the negligence and malpractice of Defendants, together and individually, as alleged in this complaint, Minor Plaintiff Jane Doe has been required to undergo extensive medical care and treatment, including hospitalization, as well as special education and training, and will be required to undergo medical care and treatment and special education and training for the rest of her life, thus requiring Minor Plaintiff to incur expenses and obligations for expenses, including therapists, teachers, nurses, physicians, hospitals, appliances, medicines, and things to assist and aid in caring for Minor Plaintiff, to allow the fulfillment of her potential.
15. As a further direct and proximate result of the negligence and malpractice of Defendants, together and individually, as described and alleged in this complaint, Minor Plaintiff Jane Doe has suffered a deprivation of the normal enjoyments of life as well as pain, suffering, humiliation, embarrassment, diminution of earning capacity, and mental and emotional anguish and anxiety. All of these conditions, developments, and sequelae are the consequence of Defendants' negligence and malpractice and are permanent.

Plaintiff Jane Doe, a minor, by her next friend, Barbara Doe, requests the court to award her a judgment against Defendants A. Doctor, MD; A. Doctor, MD, PC, a Michigan Professional Corporation; and _____ Hospital, jointly and severally, for whatever amount the trier of fact finds Plaintiff to be entitled to, together with interest, costs, and attorney fees.

Count II

16. Plaintiffs Barbara Doe and Stanley Doe, individually, incorporate by reference the allegations in paragraphs 1 through 15.
17. Plaintiffs Barbara Doe and Stanley Doe are the natural parents of minor Plaintiff Jane Doe.
18. As a further direct and proximate result of the negligence and malpractice of Defendants, together and individually, as alleged in this complaint, Minor Plaintiff Jane Doe was injured, as stated above, and Plaintiffs Barbara Doe and Stanley Doe have been required to spend various sums of money and to incur monetary obligations for the medical care, treatment, special education, medical appliances and substances, and things for the care of their daughter, Minor Plaintiff Jane Doe. Plaintiffs will, in the future be required to make similar expenditures and to incur similar obligations.
19. As a further direct and proximate result of the negligence and malpractice of Defendants, together and individually, as alleged in the complaint, Plaintiffs Barbara Doe and Stanley Doe have been and will continue to be required to

expend extraordinary time and energy for the special care and attention rendered to their daughter, Jane Doe, including nursing care, physical therapy, and special education and training. As a consequence, Plaintiffs request compensation for the value of these extraordinary services.

20. As a further direct and proximate result of the negligence and malpractice of Defendants, together and individually, as alleged in this complaint, Plaintiffs Barbara Doe and Stanley Doe have been deprived and will in the future be deprived of the companionship, society, services, and income of their daughter during her minority.

Plaintiffs Jane Doe, a minor, by her next friend, Barbara Doe, and Barbara Doe and Stanley Doe, individually, ask the court to award them a judgment against Defendants A. Doctor, MD; A. Doctor, MD, PC, a Michigan professional corporation; and _____ Hospital, jointly and severally, for whatever amount the trier of fact finds Plaintiffs to be entitled to, together with interest, costs, and attorney fees.

Count III

21. Plaintiffs Barbara Doe and Stanley Doe, individually, incorporate by reference the allegations in paragraphs 1 through 20.
22. The negligence and malpractice of Defendants, together and individually, as alleged in this complaint, caused Plaintiffs Barbara Doe and Stanley Doe to witness the infliction of tortious injuries on their daughter and to experience the consequential effects of that experience. As a direct and proximate result, Plaintiffs Barbara Doe and Stanley Doe have suffered severe emotional, nervous, and mental disturbances, resulting in physical illness and injury, including depression and permanent emotional and nervous disturbances.

Plaintiffs Barbara Doe and Stanley Doe, individually, ask the court to award them a judgment against Defendants A. Doctor, MD; A. Doctor, MD, PC, a Michigan Professional Corporation; and _____ Hospital, jointly and severally, for whatever amount the trier of fact finds Plaintiffs to be entitled to, together with interest, costs, and attorney fees.

[Firm name]

By /s/ _____

[Typed name (P_____)]

Attorney for Plaintiffs

[Address, telephone]

Dated: _____

JURY DEMAND

Plaintiffs demand a jury trial.

[Firm name]

By /s/ _____

[Typed name (P_____)]

Attorney for Plaintiffs

[Address, telephone]

Dated: _____