

**IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE**

<b>KRISTEN L. FREEMAN, by and through her</b>	)	
<b>Conservator, MARY E. FREEMAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 07C237</b>
	)	
<b>v.</b>	)	
	)	<b>Division I</b>
<b>MICHAEL GOODMAN, M.D.,</b>	)	
<b>MICHAEL GOODMAN, M.D., P.C., and</b>	)	
<b>CHATTANOOGA-HAMILTON COUNTY</b>	)	<b>JURY DEMANDED</b>
<b>HOSPITAL AUTHORITY d/b/a ERLANGER</b>	)	
<b>MEDICAL CENTER,</b>	)	
	)	
<b>Defendants.</b>	)	

**AMENDED COMPLAINT**

The Plaintiff, Kristen L. Freeman, by and through her Conservator, Mary E. Freeman, brings this medical malpractice action against Defendants Michael Goodman, M.D., Michael Goodman, M.D., P.C., and Chattanooga-Hamilton County Hospital Authority d/b/a Erlanger Medical Center, seeking reasonable compensation for injuries and damages sustained as a result of negligent medical treatment. For her cause of action, Plaintiff would show the Court as follows:

**PARTIES**

1. Plaintiff Kristen L. Freeman was a citizen and resident of Chattanooga, Tennessee, at all times material hereto. At the time of the filing of this Complaint, Plaintiff has been declared disabled, and Mary E. Freeman, her mother, has been duly appointed by the Chancery Court of Hamilton County, Tennessee, as her Conservator. A copy of the Order Appointing Conservator with Letters of Conservatorship is attached and referred to herein as "Exhibit A" to this Complaint.

2. Defendant Michael Goodman, M.D., (hereinafter referred to as “Dr. Goodman”) is a physician licensed to practice in the state of Tennessee, practicing the specialty of gastroenterology, with offices in Chattanooga, Tennessee.

3. Defendant Michael Goodman, M.D., P.C., is a corporation organized pursuant to the laws of the state of Tennessee, providing medical and surgical services, and was the employer of Dr. Goodman at all times relevant hereto.

4. Defendant Chattanooga-Hamilton County Hospital Authority d/b/a Erlanger Medical Center (hereinafter referred to as “Erlanger”) is a governmental entity operating hospital, medical, surgical and radiological facilities in Chattanooga, Tennessee.

**FACTS**

5. Prior to April 27, 2006, Plaintiff became a patient of Dr. Goodman and his group, Michael Goodman, M.D., P.C., for purposes of medical care, diagnosis and treatment.

6. On or about April 27, 2006, Dr. Goodman performed diagnostic procedures upon Plaintiff, including upper endoscopy and colonoscopy.

7. During the course of the upper endoscopy, Dr. Goodman negligently injured Plaintiff’s duodenum.

8. The diagnostic procedures performed upon Plaintiff by Dr. Goodman were done on an outpatient basis.

9. Prior to being discharged home from these procedures, Plaintiff was exhibiting signs and symptoms consistent with injury.

10. At approximately 5:00 p.m., on April 27, 2006, a contact was made with Dr. Goodman’s office on behalf of Plaintiff to advise Dr. Goodman of Plaintiff’s continuing

symptoms.

11. On April 28, 2006, beginning at approximately 8:00 a.m., Plaintiff attempted to contact Dr. Goodman's office to advise him of her worsening condition and to ask for instructions. Her symptoms now included lower and upper quadrant abdominal pain, severe pain on the right side, cold sweats and chills, and shortness of breath.

12. After four unsuccessful attempts, Plaintiff got through to Dr. Goodman's office at approximately 9:07 a.m. She spoke to a nurse who promised to relay the information to Dr. Goodman. Dr. Goodman's office called back for more information at 9:16 a.m. At 9:58 a.m., Dr. Goodman's office called to advise Plaintiff of the potential for x-rays at North Park Hospital.

13. At approximately 10:03 a.m., Dr. Goodman's office called back to inform Plaintiff that she was scheduled for x-rays to be performed at 11:30 a.m., that day, at Erlanger Medical Center, to be followed by an office visit with Dr. Goodman scheduled at 1:00 p.m.

14. When Plaintiff presented to Erlanger Medical Center for her 11:30 a.m., appointment, she was so weak that she required use of a wheelchair.

15. Plaintiff was assisted by one or more employees of Erlanger Medical Center.

16. Plaintiff was so weak she had to be physically held in a standing position by her companion in order that an upright film could be made and subsequently had to be physically helped onto the x-ray table in order that an additional film could be made.

17. Shortly after these procedures and while still in the radiology department at Erlanger, Plaintiff suffered a cardiopulmonary arrest. Responding to her arrest were Dr. Goodman and Dr. James Martin, a radiologist with Erlanger. They were joined by a code team from Erlanger. After extensive efforts, she was resuscitated and admitted to Erlanger in critical

condition.

18. As a direct and proximate result of the complications of the endoscopy and colonoscopy, Plaintiff suffered a cardiopulmonary arrest and sustained severe brain damage which has resulted in permanent and total disability.

### NEGLIGENCE CLAIMS

19. Each Defendant owed Plaintiff a duty to render medical and surgical treatment within the standards of acceptable medical and surgical practice applicable to them in the practice of their specialty in Chattanooga or similar communities on April 27 and April 28, 2006. Defendants, individually and through their employees, failed to meet those standards and therefore were negligent.

20. Dr. Goodman failed to meet the standards of acceptable medical and surgical practice applicable to him, a gastroenterologist practicing in Chattanooga, Tennessee, on April 27 and April 28, 2006, in that:

- a. He negligently injured Plaintiff's duodenum;
- b. He failed to adequately and appropriately rule out the possibility of iatrogenic injury and he discharged Plaintiff home without adequate work-up after she was exhibiting signs and symptoms consistent with such injuries;
- c. He failed to have Plaintiff evaluated after she called in during the evening of April 27, 2006, complaining of continuing symptoms;
- d. He failed to adequately and appropriately evaluate Plaintiff on an emergent basis on the morning of April 28, 2006, after she contacted him with

continuing complaints including lower and upper quadrant abdominal pain, severe pain on her right side, and cold sweats and chills with shortness of breath.

21. At all times material hereto Dr. Goodman was acting within the course and scope of his employment and/or agency with Michael Goodman, M.D., P.C., and therefore Michael Goodman, M.D., P.C., is liable for all negligent acts committed by its employee/agent, Dr. Goodman, pursuant to the legal theory of respondeat superior.

22. Erlanger owed Plaintiff a duty, through its employees and/or agents, to provide radiological services and medical care secondary thereto within the standards of acceptable medical practice applicable to physicians, nurses, technicians and health care providers providing radiological services such as those provided Plaintiff on April 28, 2006. This Defendant, through its agents and/or employees, failed to meet those standards in that:

- a. It failed to timely and appropriately recognize that Plaintiff was in need of immediate medical assistance and evaluation and medical care on an emergent basis, and failed to provide such evaluation and care upon her arrival at the radiology department at Erlanger; and
- b. It failed to timely and appropriately recognize, during and after the radiological procedures, that Plaintiff was in serious need of immediate medical assistance and evaluation and further failed to provide such evaluation and medical attention.

23. The employees and/or agents of Erlanger who attended to Plaintiff on April 28, 2006, were at all times material herein acting within the course and scope of their employment

and agency with Erlanger, and therefore Erlanger is liable to Plaintiff for the acts of negligence committed by its employees and/or agents pursuant to the legal theory of respondeat superior.

24. All of the acts of negligence complained of herein, individually and collectively, form the proximate cause of the injuries and damages complained of by Plaintiff, described in more detail below.

### DAMAGES

25. As a direct and proximate result of the negligence of the Defendants, as described above, Plaintiff has suffered severe and disabling injuries. She has sustained severe brain damage resulting in a total and permanent inability to work and to accomplish independently the activities of daily living. She is no longer able to care for herself and is dependant upon her family, specifically her mother and Conservator, Mary E. Freeman.

26. Plaintiff seeks compensation for injuries and damages including but not limited to:

- a. Medical expenses, past, present and future;
- b. Loss of earning capacity, past, present and future;
- c. Physical and emotional pain and suffering, past, present and future;
- d. Physical and emotional impairment, past, present and future;
- e. Loss of enjoyment of life, past, present and future; and
- f. All other injuries and damages for which she may be entitled to recover compensation as found by a jury.

WHEREFORE, Plaintiff seeks compensation for her injuries and damages in a reasonable and appropriate amount to be determined at trial. A jury is demanded.

Respectfully submitted,

SUMMERS & WYATT, P.C.

By: \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of this pleading has been served on counsel for all parties of interest in this cause by depositing a copy of same in the United States Mail with sufficient postage thereon to carry same to its destination, addressed as follows:

Arthur P. Brock, Esq.  
Spears, Moore, Rebman & Williams  
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Attorneys for Michael Gooman, M.D., and Michael Goodman, M.D., P.C.

This \_\_\_\_\_ day of \_\_\_\_\_, 2007

SUMMERS & WYATT, P.C.

By: \_\_\_\_\_  
James T. Neal