

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

FILED
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BETTE F. DONATHAN and
BEN D. DONATHAN,

Plaintiffs,

v.

THE ORTHOPAEDIC & SPORTS MEDICINE
CLINIC, PLLC; DELORES K. WHITE, D.O.;
INTERNAL MEDICINE SPECIALISTS
OF MIDDLE TENNESSEE, PC; JAMES G.
STENSBY, M.D.; CUMBERLAND HEALTHCARE
GROUP, PLLC; CUMBERLAND HEALTHCARE
GROUP, PLLC d/b/a WINCHESTER
ANESTHESIA GROUP; WINCHESTER
ANESTHESIA GROUP; RONALD
GORDON, M.D.; KYLE A. KLEINPETER, D.O.;
FAITH E. NANCE, CRNA; CHRISTOPHER A.
WILL, CRNA; ELIZABETH REIMERS, M.D.;
SOUTHERN TENNESSEE MEDICAL CENTER,
LLC; SOUTHERN TENNESSEE MEDICAL
CENTER, LLC d/b/a SOUTHERN TENNESSEE
MEDICAL CENTER; and SOUTHERN
TENNESSEE MEDICAL CENTER;

Defendants.

CASE NO.: _____
JURY DEMAND

COMPLAINT

Come now the plaintiffs and for causes of actions against the defendants allege as follows:

JURISDICTION AND VENUE

1. The Plaintiffs Bette F. Donathan and Ben D. Donathan are husband and wife and are domiciled in Eureka, Lincoln County, Montana.

2. The defendant Orthopaedic & Sports Medicine Clinic, PLLC is a Tennessee professional limited liability corporation domiciled in Tennessee, with its principal place of business in Winchester, Franklin County, Tennessee. At the time of the matters complained of herein, the defendant Delores K. White, D.O. was an employee, agent, or partner of the defendant Orthopaedic & Sports Medicine Clinic, PLLC. Whenever the Defendant Delores K. White, D.O. provided any medical care or services whatsoever to or on behalf of plaintiff Bette F. Donathan, she was doing so within the course and scope of her employment and/or agency for and on behalf of the defendant Orthopaedic & Sports Medicine Clinic, PLLC.

3. The defendant Delores K. White, D.O. is a physician licensed to practice as such in the state of Tennessee and is believed to be a citizen and resident of Winchester, Franklin County, Tennessee and is domiciled in Tennessee. At the time of the matters complained of herein, the defendant Delores K. White, D.O. provided medical care, services and/or treatment to the plaintiff Bette F. Donathan in Winchester, Franklin County, Tennessee. At the time of the matters complained of herein, she was either a member of, shareholder of, or an employee of defendant Orthopaedic & Sports Medicine Clinic, PLLC and was acting within the course and scope of her official capacity for and on behalf of Orthopaedic & Sports Medicine Clinic, PLLC when she provided any care whatsoever for

an on behalf of Bette F. Donathan.

4. The defendant Internal Medicine Specialists of Middle Tennessee, P.C. is a Tennessee corporation, domiciled in the state of Tennessee, with its principal place of business in Winchester, Franklin County, Tennessee. At the time of the matters complained of herein, the defendant James G. Stensby, M.D. was an employee, agent, or partner of the defendant Internal Medicine Specialists of Middle Tennessee, P.C. Whenever the Defendant James G. Stensby, M.D. provided any medical care or services whatsoever to or on behalf of plaintiff Bette F. Donathan, he was doing so within the course and scope of his employment and/or agency for and on behalf of the defendant Internal Medicine Specialists of Middle Tennessee, P.C.

5. The defendant James G. Stensby, M.D. is a physician licensed to practice as such in the state of Tennessee and is believed to be a citizen and resident of Winchester, Franklin County, Tennessee and is domiciled in Tennessee. At the time of the matters complained of herein, the defendant James G. Stensby, M.D. provided medical care, services and/or treatment to the plaintiff Bette F. Donathan in Winchester, Franklin County, Tennessee. At the time of the matters complained of herein, he was either a member of, shareholder of, or an employee of defendant Internal Medicine Specialists of Middle Tennessee, P.C. and was acting within the course and scope of his official capacity for and on behalf of Internal Medicine Specialists of Middle Tennessee, P.C. when he provided any care whatsoever for and on behalf of Bette F. Donathan.

6. The defendant Cumberland Healthcare Group, PLLC is a Tennessee professional limited liability corporation with its principal place of business in Winchester, Franklin County, Tennessee. It is domiciled in the State of Tennessee. At the time of the matters complained of herein, the defendant Ronald Gordon, M.D., Kyle A. Kleinpeter, D.O., Faith E. Nance, CRNA, Christopher A. Will, CRNA and Elizabeth Reimers, M.D., were employees, agents, or partners of the defendant Cumberland Healthcare Group, PLLC. Whenever the defendants Ronald Gordon, M.D., Kyle A. Kleinpeter, D.O., Faith E. Nance, CRNA and Christopher A. Will, CRNA and Elizabeth Reimers, M.D. provided any medical care or services whatsoever to or on behalf of plaintiff Bette F. Donathan, they were doing so within the course and scope of their employment and/or agency for and on behalf of the defendant Cumberland Healthcare Group, PLLC.

7. The defendant Winchester Anesthesia Group is a group of physicians doing business in Winchester, Franklin County, Tennessee. The exact relationship and corporate status between Cumberland Healthcare Group, PLLC and Winchester Anesthesia Group is unknown at this time. Upon information and belief, Cumberland Healthcare Group, PLLC was doing business as Winchester Anesthesia Group at the time of the matters complained of herein. The defendants Ronald Gordon, M.D., Kyle A. Kleinpeter, D.O., Faith E. Nance, CRNA and Christopher A. Will, CRNA were employees, agents, and/or partners of the defendant Winchester Anesthesia Group. Whenever the defendants Ronald Gordon, M.D., Kyle A. Kleinpeter, D.O., Faith E. Nance, CRNA and Christopher A. Will, CRNA provided

any medical care or services whatsoever to or on behalf of plaintiff Bette F. Donathan, they were doing so within the course and scope of their employment and/or agency for and on behalf of the defendant Winchester Anesthesia Group.

8. At all times material hereto, the defendant Ronald Gordon, M.D. was an anesthesiologist licensed in the state of Tennessee, and is domiciled in the state of Tennessee. Upon information and belief, he is a citizen and resident of Winchester, Tennessee. At the time of the matters complained of herein, he provided care and services to the plaintiff Bette F. Donathan in Winchester, Franklin County, Tennessee. At the time of the matters complained of herein, he was either a member of, shareholder of, or an employee of defendants Cumberland Healthcare Group, PLLC and/or Winchester Anesthesia Group and was acting within the course and scope of his official capacity for and on behalf of Cumberland Healthcare Group, PLLC and/or Winchester Anesthesia Group when he provided any care whatsoever for an on behalf of Bette F. Donathan.

9. At all times material hereto, the defendant Kyle A. Kleinpeter, D.O. was an anesthesiologist licensed in the state of Tennessee. Upon information and belief, he is a citizen and resident of Cleveland, Texas and is domiciled in the state of Texas. At the time of the matters complained of herein, he provided care and services to the plaintiff Bette F. Donathan in Winchester, Franklin County, Tennessee. At the time of the matters complained of herein, he was either a member of, shareholder of, or an employee of defendants Cumberland Healthcare Group, PLLC and/or Winchester Anesthesia Group and was acting

within the course and scope of his official capacity for and on behalf of Cumberland Healthcare Group, PLLC and/or Winchester Anesthesia Group when he provided any care whatsoever for an on behalf of Bette F. Donathan.

10. At all times material hereto, Faith E. Nance, CRNA was and still is a certified registered nurse anesthetist licensed in the state of Tennessee. Upon information and belief, she is a citizen and resident of Winchester, Franklin County, Tennessee, is domiciled in Tennessee and provided care and services to the plaintiff Bette F. Donathan in Winchester, Franklin County, Tennessee. At the time of the matters complained of herein, she was either a member of, shareholder of, or an employee of defendants Cumberland Healthcare Group, PLLC and/or Winchester Anesthesia Group and was acting within the course and scope of her official capacity for and on behalf of Cumberland Healthcare Group, PLLC and/or Winchester Anesthesia Group when she provided any care whatsoever for an on behalf of Bette F. Donathan.

11. At all times material hereto, Christopher A. Will, CRNA was and still is a certified registered nurse anesthetist licensed in the state of Tennessee. Upon information and belief, he is a citizen and resident of Winchester, Franklin County, Tennessee, is domiciled in Tennessee and provided care and services to the plaintiff Bette F. Donathan in Winchester, Franklin County, Tennessee. At the time of the matters complained of herein, he was either a member of, shareholder of, or an employee of defendants Cumberland Healthcare Group, PLLC and/or Winchester Anesthesia Group and was acting within the

course and scope of his official capacity for and on behalf of Cumberland Healthcare Group, PLLC and/or Winchester Anesthesia Group when he provided any care whatsoever for an on behalf of Bette F. Donathan.

12. The defendant Elizabeth Reimers, M.D. is a physician licensed to practice as such in the state of Tennessee and is believed to be a citizen and resident of Winchester, Franklin County, Tennessee and is domiciled in Tennessee. At the time of the matters complained of herein, the defendant Elizabeth Reimers, M.D. provided medical care, services and/or treatment to the plaintiff Bette F. Donathan in Winchester, Franklin County, Tennessee. At the time of the matters complained of herein, she was either a member of, shareholder of, or an employee of defendants Cumberland Healthcare Group, PLLC and was acting within the course and scope of her official capacity for and on behalf of Cumberland Healthcare Group, PLLC when she provided any care whatsoever for and on behalf of Bette F. Donathan.

13. The defendant Southern Tennessee Medical Center, LLC is a Tennessee Corporation with its principal place of business in Brentwood, Williamson County, Tennessee. Its main office, out of which it conducts most of its business (including that related to this case), is in Winchester, Franklin County, Tennessee. It is domiciled in Tennessee.

14. At the time of the matters complained of herein, Southern Tennessee Medical Center, LLC owned and operated Southern Tennessee Medical Center. In the alternative, the

defendant Southern Tennessee Medical Center, LLC did business, in part, as Southern Tennessee Medical Center.

15. The defendant Southern Tennessee Medical Center is a hospital institution providing care to the public in Winchester, Franklin County, Tennessee and was doing so at the time of the matters complained of herein (hereinafter the defendant Southern Tennessee Medical Center, LLC, Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee Medical Center and Southern Tennessee Medical Center will be referred to collectively as “Southern Tennessee Medical Center” for simplicity).

16. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332, based upon diversity of citizenship of the parties. The plaintiffs are domiciled in a state different from the defendants. The amount in controversy, exclusive of interest and costs, exceeds SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS.

17. Venue of this action lies in the Eastern District of Tennessee by virtue of 28 U.S.C. §1391(a).

18. This action arises from the personal injuries sustained by the Plaintiffs Bette F. Donathan and Ben D. Donathan, caused by the negligence of the defendants beginning on April 11, 2006 in Winchester, Franklin County, Tennessee.

FACTUAL BACKGROUND

19. On April 11, 2006, Bette F. Donathan was admitted to Southern Tennessee

Medical Center with a broken tibia and fibula in her right leg.

20. Bette F. Donathan did not have an appointment to go to Southern Tennessee Medical Center on April 11, 2006. She was taken to the Emergency Room of Southern Tennessee Medical Center with a broken tibia and fibula of her right leg.

21. A decision was made by employees and/or agents of Southern Tennessee Medical Center that she should be admitted as a patient to the hospital on April 11, 2006.

22. Bette F. Donathan and Ben D. Donathan did not select any of the nurses, technicians, physicians, anesthesia personnel or other medical personnel who provided care for Bette F. Donathan during her time at Southern Tennessee Medical Center.

23. Bette Donathan had a prior history of a mechanical heart valve replacement and had been on long term anticoagulant drug therapy. (Anticoagulant drugs work by thinning the blood, thus reducing the chance that a clot will form. When the blood thins, the ability to form a clot takes longer, which puts the patient at much greater risk for bleeding.)

24. With the history of her need for anticoagulant drug therapy, both before and after her surgery, Bette F. Donathan was not a candidate for an epidural catheter for pain management. An epidural catheter should not have been inserted into Bette F. Donathan.

25. With the history of the need for anticoagulant drug therapy, the operating surgeon and the anesthesia team should have conferred about pain management before an epidural catheter was inserted. Had the proper conference occurred, the team would have recognized that an epidural catheter should not be used, and it would not have been used.

26. Because of the defendants' negligence, an epidural catheter in fact was inserted into Bette F. Donathan before surgery ever began.

27. Due to the negligence of the operating surgeon and the anesthesia team, other physicians (who are not parties to this lawsuit) were never informed before surgery that an epidural catheter would be used for any purpose with Bette F. Donathan.

28. At approximately 2:00 p.m. on April 13, 2006, Faith E. Nance, CRNA inserted an epidural catheter into Bette Donathan's epidural space. (The epidural space is inside the spinal canal next to the spinal cord.)

29. CRNA Faith failed to appreciate the fact that an epidural catheter was contraindicated for Bette Donathan because of her long-term history of anticoagulation drug therapy and need for anticoagulation drug therapy after surgery.

30. At approximately 2:10 p.m. on April 13, 2006, Bette F. Donathan was taken to the operating room for repair of her right tibia fracture.

31. When she arrived in the Operating Room, the administration of general anesthesia was begun by the defendant Faith E. Nance, CRNA.

32. Defendant Dr. Kyle A. Kleinpeter was the supervising anesthesiologist that provided care to Bette F. Donathan on April 13, 2006.

33. Defendant Ronald Gordon, M.D. billed Bette Donathan for a lumbar epidural and is believed to have supervised the anesthesia care provided to Bette Donathan on April 13, 2006.

34. At approximately 4:45 p.m. on April 13, 2006, Bette Donathan returned to her hospital room.

35. At approximately 5:30 p.m., an intravenous infusion of Heparin (anticoagulant) was restarted on Bette Donathan.

36. On April 14, 2006, defendant Christopher A. Will, CRNA noted that Ms. Donathan's "epidural is in place with good pain control." CRNA Will failed to appreciate the significance of having an epidural catheter in place while on a Heparin intravenous infusion.

37. On April 15, 2006, defendant Dr. Stensby started Bette Donathan on Coumadin at 4 mg daily. (Coumadin is an anticoagulant drug taken by mouth.) Bette Donathan also continued to receive Heparin by an intravenous infusion.

38. On April 15, 2006, defendant Dr. Delores White wrote an order for the Epidural catheter to be discontinued.

39. At approximately 2:00 p.m. on April 15, 2006, a nurse of defendant Southern Tennessee Medical Center removed the epidural catheter.

40. At approximately 11:00 a.m. on April 16, 2006, a nurse noted that Bette Donathan began to scream, and had pain in her left hip and had leg cramps.

41. At approximately 11:15 a.m. on April 16, 2006, defendant Elizabeth Reimers, M.D. was at the bedside. Dr. Reimers noted that Ms. Donathan had excruciating cramps in her hips, left greater than the right and she was moaning, crying, and had diaphoresis

(sweating).

42. At approximately 11:30 a.m., a nurse noted: “complaints of cramps in legs and up back and now numbness in legs.”

43. The next entry from Dr. Reimers on April 16, 2006 (not timed) noted that Bette Donathan had numbness in her left lower extremity and was unable to raise her legs.

44. At approximately 2:00 p.m., Dr. White ordered x-rays for Ms. Donathan.

45. Dr. White states in her discharge summary in the medical record the following: “A MRI of the lumbosacral spine was asked for in x-ray and I was told at that time they were unable to call a tech in due to staffing and it was refused by the hospital staff to call any staffing in for an MRI.”

46. At approximately 4:30 p.m., 5 mg of Morphine was given per orders “due to patient yelling out with complaints of cramps in back and legs.”

47. At approximately 8:00 p.m., the nurse’s note states: “patient complains of burning in back; Pain scale 10/10; PCA button pushed.”

48. At approximately 8:25 p.m., Mrs. Donathan’s heart rate was up to 150 and was in an irregular rhythm. The hospital staff contacted Dr. Reimers. Medication to treat Ms. Donathan’s heart rate and rhythm was ordered by Dr. Reimers.

49. At approximately 6:00 a.m. on April 17, 2006, Dr. Stensby noted that Bette Donathan had no feeling or movement in her legs. Heparin was discontinued.

50. At approximately 8:30 a.m. on April 17, 2006, Bette Donathan was transferred

to Vanderbilt Medical Center by life flight and arrived at approximately 9:30 a.m. on April 17, 2006. Bette F. Donathan was by then paralyzed from the waist down. An MRI was done, which revealed a “large heterogeneous complex epidural hematoma.” (A hematoma is a collection of blood.) Thereafter, emergency surgery was performed. A laminectomy for decompression of the epidural hematoma was performed.

**WRONGS COMPLAINED OF
ORTHOPAEDIC & SPORTS MEDICINE CLINIC, PLLC**

51. The Defendant Orthopaedic & Sports Medicine, PLLC is vicariously liable under the laws of agency and respondeat superior for the acts and omissions of its agents, members and/or employees who negligently treated and/or negligently cared for Plaintiff Bette F. Donathan while she was a patient of the defendant. Any negligence of these agents, members and/or employees, is imputed by law to the Defendant Orthopaedic & Sports Medicine, PLLC under the principles of actual or apparent agency and/or respondeat superior.

52. Delores K. White, D.O., who provided care and treatment to Bette F. Donathan at the time of the matters complained of herein, was an agent, member and/or employee of the Defendant Orthopaedic & Sports Medicine, PLLC. Defendant Orthopaedic & Sports Medicine, PLLC was negligent from April 11 through April 17, 2006, in failing to provide reasonable medical care to and/or for Bette F. Donathan while she was with Orthopaedic & Sports Medicine, PLLC. In addition to this general allegation of negligence, Defendant Orthopaedic & Sports Medicine, PLLC was negligent further during the same time in the

following ways:

- A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;
- B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;
- C. Negligently did not communicate with other health care members regarding consideration of using an epidural for any purpose;
- D. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan because of her long-term history of anticoagulation drug therapy and need for anticoagulation drug therapy after surgery;
- E. Negligently ordered the removal of Bette F. Donathan's epidural catheter while she was on anticoagulant drug therapy;
- F. Negligently did not perform appropriate diagnostic tests;
- G. Negligently did not render appropriate medical treatment in a timely manner,
- H. Negligently did not recognize and appreciate the seriousness of Bette F. Donathan's condition;
- I. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan; and
- J. Negligently caused a delay in the diagnosis and treatment of Ms.

Donathan's true condition thereby causing or contributing to her permanent paraplegia.

**WRONGS COMPLAINED OF
DELORES K. WHITE, D.O.**

53. At the time of the matters complained of herein, the Defendant Delores K. White, D.O. was a principal, agent, and/or employee of Defendant, Orthopaedic & Sports Medicine, PLLC. At all times material hereto, whenever the Defendant Delores K. White, D.O. provided any medical care whatsoever to the Plaintiff Bette F. Donathan from April 11, 2006 through April 17, 2006, she was doing so within the course and scope of her employment or agency for and/or on behalf of the Defendant Orthopaedic & Sports Medicine, PLLC .

54. The Defendant Delores K. White, D.O. was negligent on April 11, 2006 through April 17, 2006 in failing to provide reasonable medical care to Bette F. Donathan. Without limiting this general allegation of negligence, the defendant was further negligent in the following ways:

- A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;
- B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;

C. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan because of her long-term history of anticoagulation drug therapy and need for anticoagulation drug therapy after surgery;

D. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan because of her long-term history of anticoagulation drug therapy and need for anticoagulation drug therapy after surgery;

E. Negligently ordered the removal of Bette F. Donathan's epidural catheter while she was on anticoagulant drug therapy;

F. Negligently did not perform appropriate diagnostic tests;

G. Negligently did not render appropriate medical treatment in a timely manner,

H. Negligently did not recognize and appreciate the seriousness of Bette F. Donathan's condition;

I. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan.

J. Negligently caused a delay in the diagnosis and treatment of Ms. Donathan's true condition thereby causing or contributing to her permanent paraplegia.

**WRONGS COMPLAINED OF
INTERNAL MEDICINE SPECIALISTS OF MIDDLE TENNESSEE, P.C.**

55. The Defendant Internal Medicine Specialists of Middle Tennessee, P.C. is

vicariously liable under the laws of agency and respondeat superior for the acts and omissions of its agents, members and/or employees who negligently treated and/or negligently cared for Plaintiff Bette F. Donathan while she was a patient of the defendant. Any negligence of these agents, members and/or employees, is imputed by law to the Defendant Internal Medicine Specialists of Middle Tennessee, P.C. under the principles of actual or apparent agency and/or respondeat superior.

56. James G. Stensby, M.D., who provided care and treatment to Bette F. Donathan at the time of the matters complained of herein, was an agent, member and/or employee of the Defendant Internal Medicine Specialists of Middle Tennessee, P.C.. Defendant Internal Medicine Specialists of Middle Tennessee, P.C. was negligent from April 11 through April 17, 2006, in failing to provide reasonable medical care to and/or for Bette F. Donathan. In addition to this general allegation of negligence, Defendant Internal Medicine Specialists of Middle Tennessee, P.C. was negligent further during the same time in the following ways:

- A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;
- B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;
- C. Negligently did not appreciate the fact that Heparin (anticoagulant drug therapy) was contraindicated in a patient that has an epidural catheter;

D. Negligently allowed Bette F. Donathan's epidural catheter to be removed while on anticoagulant drug therapy;

E. Negligently mismanaged and/or caused the mismanagement of Bette F. Donathan; and

F. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan.

**WRONGS COMPLAINED OF
JAMES G. STENSBY, M.D.**

57. At the time of the matters complained of herein, the Defendant James G. Stensby, M.D. was a principal, agent, and/or employee of Defendant, Internal Medicine Specialists of Middle Tennessee, P.C.. At all times material hereto, whenever the Defendant James G. Stensby, M.D. provided any medical care whatsoever to the Plaintiff Bette F. Donathan from April 11, 2006 through April 17, 2006, he was doing so within the course and scope of his employment or agency for and/or on behalf of the Defendant Internal Medicine Specialists of Middle Tennessee, P.C. .

58. The Defendant James G. Stensby, M.D. was negligent on April 11, 2006 through April 17, 2006 in failing to provide reasonable medical care to Bette F. Donathan. Without limiting this general allegation of negligence, the defendant was further negligent in the following ways:

- A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;
- B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;
- C. Negligently did not appreciate the fact that Heparin (anticoagulant drug therapy) was contraindicated in a patient that has an epidural catheter;
- D. Negligently allowed Bette F. Donathan's epidural catheter to be removed while on anticoagulant drug therapy;
- E. Negligently mismanaged and/or caused the mismanagement of Bette F. Donathan; and
- F. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan.

**WRONGS COMPLAINED OF
CUMBERLAND HEALTHCARE GROUP, PLLC**

59. The Defendant Cumberland Healthcare Group, PLLC is vicariously liable under the laws of agency and respondeat superior for the acts and omissions of its agents, members and/or employees who negligently treated and/or negligently cared for Plaintiff Bette F. Donathan while she was a patient of the defendant. Any negligence of these agents, members and/or employees, is imputed by law to the Defendant Cumberland

Healthcare Group, PLLC under the principles of actual or apparent agency and/or respondeat superior.

60. Rondald Gordon, M.D., Kyle A. Kleinpeter, D.O., Faith E. Nance, CRNA, Christopher A. Will, CRNA and Elizabeth Reimers, M.D. and other health care providers who provided care and treatment to Bette F. Donathan were the agents, members, and/or employees of the Defendant Cumberland Healthcare Group, PLLC.

61. Defendant Cumberland Healthcare Group, PLLC was negligent from April 11 through April 17, 2006, in not providing reasonable medical care to and/or for Bette F. Donathan. In addition to this general allegation of negligence, Defendant Cumberland Healthcare Group, PLLC was negligent further during the same time in the following ways:

A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;

B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;

C. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan because of her long-term history of anticoagulation drug therapy and need for anticoagulation drug therapy after surgery;

D. Negligently allowed Bette F. Donathan's epidural catheter to be

removed while on blood thinners;

E. Negligently mismanaged and/or caused the mismanagement of Bette

F. Donathan; and

F. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan.

**WRONGS COMPLAINED OF
WINCHESTER ANESTHESIA GROUP**

62. The Defendant Winchester Anesthesia Group is vicariously liable under the laws of agency and respondeat superior for the acts and omissions of its agents, members and/or employees who negligently treated and/or negligently cared for Plaintiff Bette F. Donathan while she was a patient of the defendant. Any negligence of these agents, members and/or employees, is imputed by law to the Defendant Winchester Anesthesia Group under the principles of actual or apparent agency and/or respondeat superior.

63. Ronald Gordon, M.D., Kyle A. Kleinpeter, D.O., Faith E. Nance, CRNA, and Christopher A. Will, CRNA, who provided care and treatment to Bette F. Donathan at the time of the matters complained of herein were agents, members and/or employees of the Defendant Winchester Anesthesia Group. Defendant Winchester Anesthesia Group was negligent from April 11 through April 17, 2006, in failing to provide reasonable medical care to and/or for Bette F. Donathan. In

addition to this general allegation of negligence, Defendant Winchester Anesthesia Group was negligent further during the same time in the following ways:

- A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;
- B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;
- C. Negligently did not communicate with other health care members regarding the decision to give Bette Donathan an epidural;
- D. Negligently did not communicate with other health care members regarding the contraindication of giving Heparin (anticoagulant drug therapy) while a patient has an epidural catheter;
- E. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan because of her long-term history of anticoagulation drug therapy and need for anticoagulation drug therapy after surgery;
- F. Negligently allowed Bette F. Donathan's epidural catheter to be removed while on anticoagulation drug therapy;
- G. Negligently mismanaged and/or caused the mismanagement of Bette F. Donathan;
- H. Negligently did not properly assess and monitor the true physical and

medical condition of Bette F. Donathan.

**WRONGS COMPLAINED OF
RONALD GORDON, M.D.**

64. At the time of the matters complained of herein, the Defendant Ronald Gordon was a principal, agent, and/or employee of Defendant Cumberland Healthcare Group, PLLC and/or Defendant Winchester Anesthesia Group. At all times material hereto, whenever the Defendant Dr. Gordon provided any medical care whatsoever to the Plaintiff Bette F. Donathan from April 11, 2006 through April 17, 2006, he was doing so within the course and scope of his employment or agency for and/or on behalf of the Defendant Cumberland Healthcare Group, PLLC and/or Defendant Winchester Anesthesia Group.

65. The Defendant Dr. Gordon was negligent from April 11, 2006 through April 17, 2006 in failing to provide reasonable medical care to Bette F. Donathan. Without limiting this general allegation of negligence, the defendant was further negligent in the following ways:

A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;

B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;

C. Negligently did not adequately supervise Kyle Kleinpeter, D.O. ; Christopher Will, CRNA; and/or Faith Nance, CRNA;

D. Negligently did not communicate with other health care members regarding the decision to give Bette Donathan an epidural catheter;

E. Negligently did not communicate with other health care members regarding the contraindication of giving Heparin (anticoagulant drug therapy) while a patient has an epidural catheter;

F. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan because of her long-term history of anticoagulation drug therapy and need for anticoagulation drug therapy after surgery;

G. Negligently allowed Bette F. Donathan's epidural catheter to be removed while on anticoagulation drug therapy;

H. Negligently mismanaged and/or caused the mismanagement of Bette F. Donathan; and

I. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan.

**WRONGS COMPLAINED OF
KYLE A. KLEINPETER, D.O.**

66. At the time of the matters complained of herein, the Defendant Kyle A. Kleinpeter, D.O. was a principal, agent, and/or employee of Defendant Cumberland Healthcare Group, PLLC and/or Defendant Winchester Anesthesia Group. At all times

material hereto, whenever the Defendant Dr. Kleinpeter provided any medical care whatsoever to the Plaintiff Bette F. Donathan from April 11, 2006 through April 17, 2006, he was doing so within the course and scope of his employment or agency for and/or on behalf of the Defendant Cumberland Healthcare Group, PLLC and/or Defendant Winchester Anesthesia Group.

67. The Defendant Dr. Kleinpeter was negligent from April 11, 2006 through April 17, 2006 in failing to provide reasonable medical care to Bette F. Donathan. Without limiting this general allegation of negligence, the defendant was further negligent in the following ways:

- A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;
- B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;
- C. Negligently did not adequately supervise Faith Nance, CRNA and/or Christopher Will, CRNA;
- D. Negligently did not communicate with other health care members regarding the decision to give Bette Donathan an epidural catheter;
- E. Negligently did not communicate with other health care members regarding the contraindication of giving Heparin (anticoagulant drug therapy) while a patient has an epidural catheter;

F. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan because of her long-term history of anticoagulation drug therapy and need for anticoagulation drug therapy after surgery;

G. Negligently allowed Bette F. Donathan's epidural catheter to be removed while on anticoagulation drug therapy;

H. Negligently mismanaged and/or caused the mismanagement of Bette F. Donathan; and

I. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan.

**WRONGS COMPLAINED OF
FAITH E. NANCE, CRNA**

68. At the time of the matters complained of herein, the Defendant Faith E. Nance, CRNA was a principal, agent, and/or employee of Defendant Cumberland Healthcare Group, PLLC and/or Defendant Winchester Anesthesia Group. At all times material hereto, whenever the Defendant Faith E. Nance, CRNA provided any medical care whatsoever to the Plaintiff Bette F. Donathan from April 11, 2006 through April 17, 2006, she was doing so within the course and scope of her employment or agency for and/or on behalf of the Defendant Cumberland Healthcare Group, PLLC and/or Defendant Winchester Anesthesia Group.

69. The Defendant Faith Nance, CRNA was negligent on April 11, 2006

through April 17, 2006 in failing to provide reasonable medical care to Bette F.

Donathan. Without limiting this general allegation of negligence, the defendant was

further negligent in the following ways:

A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;

B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;

C. Negligently did not communicate with other health care members regarding the decision to give an epidural catheter;

D. Negligently did not communicate with other health care members regarding the contraindication of giving Heparin (anticoagulant drug therapy) while a patient has an epidural catheter;

E. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan because of her long-term history of anticoagulation drug therapy and need for anticoagulation drug therapy after surgery;

F. Negligently allowed Bette F. Donathan's epidural catheter to be removed while on anticoagulation drug therapy;

G. Negligently mismanaged and/or caused the mismanagement of Bette F. Donathan; and

H. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan.

**WRONGS COMPLAINED OF
CHRISTOPHER A. WILL, CRNA**

70. At the time of the matters complained of herein, the Defendant Christopher A. Will, CRNA was a principal, agent, and/or employee of Defendant Cumberland Healthcare Group, PLLC and/or Defendant Winchester Anesthesia Group. At all times material hereto, whenever the Defendant Christopher A. Will, CRNA provided any medical care whatsoever to the Plaintiff Bette F. Donathan from April 11, 2006 through April 17, 2006, he was doing so within the course and scope of his employment or agency for and/or on behalf of the Defendant Cumberland Healthcare Group, PLLC and/or Defendant Winchester Anesthesia Group.

71. The Defendant Christopher A. Will, CRNA was negligent on April 11, 2006 through April 17, 2006 in failing to provide reasonable medical care to Bette F. Donathan. Without limiting this general allegation of negligence, the defendant was further negligent in the following ways:

A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;

B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;

C. Negligently did not communicate with other health care members regarding the contraindication of giving Heparin (anticoagulant drug therapy) while a patient has an epidural catheter;

D. Negligently did not appreciate the fact that Heparin was contraindicated in a patient that has an epidural catheter;

E. Negligently allowed Bette F. Donathan's epidural catheter to be removed while on anticoagulant drug therapy;

F. Negligently mismanaged and/or caused the mismanagement of Bette F. Donathan; and

G. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan.

**WRONGS COMPLAINED OF
ELIZABETH REIMERS, M.D.**

72. At the time of the matters complained of herein, the Defendant Elizabeth Reimers, M.D. was a principal, agent, and/or employee of Defendant Cumberland Healthcare Group, PLLC. At all times material hereto, whenever the Defendant Elizabeth Reimers, M.D. provided any medical care whatsoever to the Plaintiff Bette F. Donathan from April 16, 2006 through April 17, 2006, she was doing so within the course and scope of her employment or agency for and/or on behalf of the Defendant Cumberland Healthcare Group, PLLC.

73. The Defendant Elizabeth Reimers, M.D. was negligent on April 16, 2006 through April 17, 2006 in failing to provide reasonable medical care to Bette F.

Donathan. Without limiting this general allegation of negligence, the defendant was further negligent in the following ways:

A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;

B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;

C. Negligently did not perform appropriate diagnostic tests;

D. Negligently did not render appropriate medical treatment in a timely manner,

E. Negligently did not recognize and appreciate the seriousness of Bette F. Donathan's condition;

F. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan; and

G. Negligently caused a delay in the diagnosis and treatment of Ms. Donathan's true condition thereby causing or contributing to her permanent paraplegia.

WRONGS COMPLAINED OF
SOUTHERN TENNESSEE MEDICAL CENTER

74. From April 11, 2006 though April 17, 2006, there existed a hospital-patient relationship between Southern Tennessee Medical Center defendant and the patient Bette F. Donathan.

75. Southern Tennessee Medical Center employed various employees and/or real or apparent agents who rendered care to Bette F. Donathan from April 11, 2006 through April 17, 2006, all of whom were acting within the course and scope of their employment or agency (real or apparent), at the time of their care and treatment of Bette F. Donathan.

76. Southern Tennessee Medical Center is liable for any negligent medical care and treatment by actual or apparent agents and/or employees of Southern Tennessee Medical Center and is liable for any negligent acts and/or omissions of any actual or apparent agents and/or employees of Southern Tennessee Medical Center. Any negligence of any of the employees and/or real or apparent agents of Southern Tennessee Medical Center is, as a matter of law, imputed to Southern Tennessee Medical Center.

77. All the nurses, technicians, physicians, anesthesia personnel and other medical personnel who provided care for Bette F. Donathan at Southern Tennessee Medical Center were selected by Southern Tennessee Medical Center or by its agents.

78. All the nurses, technicians, physicians, anesthesia personnel and other

medical personnel who provided care for Bette F. Donathan were either employees or agents of Southern Tennessee Medical Center.

79. Bette F. Donathan believed that all the nurses, technicians, physicians and other medical personnel who provided any care for her were employees or agents of Southern Tennessee Medical Center.

80. Each employee, agent or apparent agent of Southern Tennessee Medical Center who provided care for Bette F. Donathan was acting within the course and scope of his/her employment or agency for her and on behalf of Southern Tennessee Medical Center at any and all times care was provided.

81. Acting through its employees and/or real or apparent agents Southern Tennessee Medical Center was negligent in failing to observe the recognized standards of acceptable professional practice required and expected in respect to the care of Bette F. Donathan on April 11, 2006 through April 17, 2006. Without limiting this general allegation of negligence, Southern Tennessee Medical Center was negligent further in the following ways:

A. Negligently did not provide appropriate and reasonable medical care to Bette F. Donathan;

B. Negligently did not observe the recognized standards of acceptable professional practice required and expected;

- C. Negligently mismanaged and/or caused the mismanagement of Bette F. Donathan;
- D. Negligently did not properly assess and monitor the true physical and medical condition of Bette F. Donathan;
- E. Negligently did not communicate properly about possible use of an epidural catheter;
- F. Negligently inserted an epidural catheter on April 13, 2006;
- G. Negligently removed the epidural catheter from Bette F. Donathan on April 15, 2006;
- H. Negligently did not have staff available to perform diagnostic tests requested;
- I. Negligently did not notify physicians of her condition in a timely manner;
- J. Negligently did not adequately communicate to the physicians the serious signs and symptoms Bette F. Donathan was exhibiting; and
- K. Negligently caused a delay in the diagnosis and treatment of Ms. Donathan's true condition thereby causing or contributing to her permanent paraplegia.

DAMAGES

82. As a direct and proximate result of the negligence of the defendants, Bette F. Donathan became paralyzed from the waist down.

83. As a direct result and proximate result of the negligence of the defendants, Bette F. Donathan, besides being paralyzed from her waist down, is incontinent, no longer has use of her legs, is disabled and dependant upon others for her activities of daily living. She has suffered and continues to suffer greatly, both physically and emotionally. She will continue to have physical problems as a direct result of her paralysis. Her life has been adversely and permanently altered.

84. As a direct and proximate result of the negligence of the defendants, the Plaintiff Bette F. Donathan has incurred and will continue to incur significant medical expenses and expenses to maintain herself reasonably. Bette F. Donathan also has suffered loss of enjoyment of life, mental anguish, and pain and suffering and other damages.

85. As a direct and proximate result of the negligence of the defendants as outlined above, the Plaintiff Ben D. Donathan has sustained significant expenses for the care and treatment of his wife, Bette F. Donathan, and has suffered a loss of services and consortium of his wife.

PRAYER FOR RELIEF

86. WHEREFORE, the plaintiff Bette F. Donathan demands of the defendants

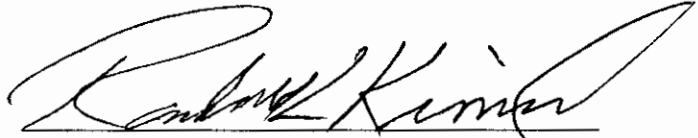
TWENTY MILLION AND NO/100 (\$20,000,000.00) DOLLARS as reasonable compensatory damages.

87. WHEREFORE, the plaintiff Ben D. Donathan demands of the defendants FOUR MILLION AND NO/100 (\$4,000,000.00) DOLLARS as reasonable compensatory damages.

88. WHEREFORE, the plaintiffs respectfully demand a jury and reserve the right to amend the Complaint, should the Court permit same, to conform to the evidence as it develops.

Respectfully submitted,

KINNARD, CLAYTON & BEVERIDGE

By: 

Randall L. Kinnard #4714

Daniel L. Clayton #12600

Lisa W. Rowan #20968

The Woodlawn

127 Woodmont Boulevard

Nashville, Tennessee 37205

(615) 297-1007

ATTORNEYS FOR PLAINTIFFS

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS BETTE F. DONATHAN and BEN D. DONATHAN (b) County of Residence of First Listed Plaintiff <u>Lincoln County, MT</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) Randall L. Kinnard, Kinnard, Clayton & Beveridge, 127 Woodmont Boulevard, Nashville, TN 37205 (615) 297-1007	DEFENDANTS THE ORTHOPAEDIC & SPORTS MEDICINE CLINIC, PLLC, et al. County of Residence of First Listed Defendant <u>Franklin</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width:100%;"> <tr> <td>Citizen of This State</td> <td>PTF <input type="checkbox"/> 1</td> <td>DEF <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td>PTF <input type="checkbox"/> 4</td> <td>DEF <input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input checked="" type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input checked="" type="checkbox"/> 4	Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input checked="" type="checkbox"/> 4														
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input checked="" type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes				

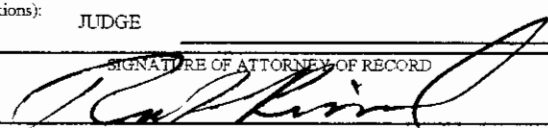
V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgement

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Jurisdiction is pursuant to 28 U.S.C. § 1332
 Brief description of cause:
Bette Donathan was rendered a paraplegic as a result of the defendants' negligence

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ **24 million** CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE **APRIL 5, 2007** SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY: RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____