

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

APR 11 2008
U.S. DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
BY _____ DEPT. CLERK

**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.: 4:07-CV-18
MATTICE/LEE**

JURY DEMAND

AMENDED 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 Christiansburg, Montgomery County, Virginia and is domiciled in Virginia. 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, 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 and 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 Corbin, Kentucky, and is domiciled in the state of Kentucky. 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 and 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 Nashville, Davidson 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 and 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 Cookeville, Putnam 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 and 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. There was a contract in effect in April 2006, making Defendant Ronald Gordon, M.D. the Director of the Department of Anesthesia at Southern Tennessee Medical

Center. Based on the contract with the hospital, as the Director of the Department of Anesthesia, Dr. Gordon was obligated to cooperate with the hospital regarding administrative, operational or personnel problems in the anesthesia department and promptly inform the hospital and appropriate Medical Staff committees of professional problems in accordance with Medical Staff Bylaws, Rules and Regulations and hospital policy.

20. Defendant Dr. Delores White (surgeon) complained to Defendant Ronald Gordon, M.D. that too many epidurals were being used on her patients for post-operative pain management. She told Defendant Ronald Gordon, M.D. that she did not want the frequent, unnecessary use of epidural catheters for post-op pain management to continue on her patients.

21. However, the use of unnecessary epidurals continued.

22. Defendant Ronald Gordon, M.D. and surgeons at Southern Tennessee Medical Center had gotten into multiple disagreements regarding the use of epidurals before Bette Donathan was a patient at Southern Tennessee Medical Center in April 2006. There was an on-going disagreement between the orthopaedic surgeons and Dr. Gordon over the use of epidural catheters for post-op pain control.

23. No one with leadership at Defendant Southern Tennessee Medical Center intervened or resolved the on-going dispute between the department of anesthesia and the department of surgery prior to Bette Donathan's admission on April 11, 2006.

24. On April 11, 2006, Bette F. Donathan was admitted to Southern Tennessee Medical Center with a broken tibia and fibula in her right leg.

25. 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.

26. 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.

27. Bette F. 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.

28. 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.)

29. On April 12, 2006, Mrs. Donathan was placed on a PCA (Patient Controlled Analgesia) pump for pain control.

30. Mrs. Donathan's pain was well-managed on a PCA IV pump prior to surgery.

31. On April 13, 2006, a *surgical* consent form was signed by Mrs. Donathan for a "closed reduction with application of an external fixation and possible open reduction to the right distal tibia fracture."

32. The pre-operative surgical checklist indicates that an anesthesia consent form is “pending”, but an anesthesia consent form is nowhere to be found.

33. Students desiring to become CRNAs (SRNAs) were allowed and authorized to explain the risks and benefits to patients (like Bette Donathan) in order to get their informed consent to proposed anesthesia in April 2006. They were allowed to do that without some certified anesthesia person actively supervising them in person when they did it.

34. Some person at Southern Tennessee Medical Center made the decision that an epidural catheter needed to be placed in Bette Donathan.

35. No person obtained the informed consent of Bette Donathan for the use of an epidural catheter in her.

36. 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.

37. An epidural catheter should not have been inserted into Bette F. Donathan.

38. At approximately 2:00 p.m. on April 13, 2006, before her surgery, someone inserted an epidural catheter into Bette Donathan’s epidural space. (The epidural space is inside the spinal canal next to the spinal cord.)

39. The person that inserted the epidural catheter into Bette Donathan’s epidural space failed to appreciate the fact that an epidural catheter was contraindicated for Bette

Donathan.

40. The surgeons were not informed before surgery that an epidural catheter would be used for any purpose with Bette F. Donathan.

41. At approximately 2:10 p.m. on April 13, 2006, Bette Donathan was taken to the operating room for surgery. When she arrived in the Operating Room, the administration of general anesthesia was begun by Faith Nance, CRNA.

42. Surgery was carried out and at approximately 4:45 p.m. on April 13, 2006, Bette Donathan was taken to the intensive care unit.

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

44. On April 14, 2006, Christopher Will, CRNA noted in the record that Mrs. Donathan's "epidural is in place with good pain control." CRNA Will did not appreciate the significance in Bette Donathan's case of having an epidural catheter in place while she was on a Heparin intravenous infusion.

45. On April 15, 2006, internist Dr. Stensby ordered that Bette Donathan be started on Coumadin at 4 mg daily. (Coumadin is an anticoagulant drug.) Bette Donathan also continued to receive Heparin by an intravenous infusion. .

46. Defendant Dr. White apparently did not know that an epidural was used on Bette Donathan until noon on April 15, 2006 when she saw CRNA Will's progress note of April 14, 2006. She then wrote an order for the epidural catheter to be discontinued.

47. At approximately 2:00 p.m. on April 15, 2006, Nurse Lori Pearson of Southern Tennessee Medical Center--without checking blood values beforehand and without stopping anticoagulants--removed the epidural catheter. She took no precautions to prevent a bleed into the epidural space of Bette Donathan.

48. No one from Southern Tennessee Medical Center instructed the nursing staff on the dangers of removing an epidural catheter while patients were on anticoagulants prior to April 15, 2006.

49. No one from the anesthesia department instructed the nursing staff at Southern Tennessee Medical Center on the dangers of removing an epidural catheter while patients were on anticoagulants prior to April 15, 2006.

50. As of April 15, 2006, if a CRNA or anesthesiologist was the person to pull the catheter of an anti-coagulated patient at Southern Tennessee Medical Center, the CRNA or anesthesiologist would check the lab work (PT, PTT, INR, or whatever blood thinner they were on), and if for any reason those lab values were out of range, the CRNA or anesthesiologist would wait to pull the epidural until the lab values were within normal limits.

51. However, if nurses on the floor at Southern Tennessee Medical Center (who were non-anesthesia personnel) pulled epidural catheters on patients who were anti-coagulated, the nurses would *not* insure that coagulation lab values were within safe ranges before pulling the epidural catheters.

52. It was important for nurses at Southern Tennessee Medical Center who would be pulling epidural catheters to be aware that one of the risks of pulling an epidural catheter on a patient who was anticoagulated was bleeding inside the body.

53. Nurse Pearson did not know about the danger of pulling an epidural catheter while a patient was on anticoagulants when Nurse Pearson pulled it.

54. Dr. Stensby signed out to Dr. Reimers for whatever patients he had in the hospital on Saturday, April 15, 2006.

55. Dr. Stensby had no communication with Dr. Reimers about Bette Donathan, or if he had any communication, what information he provided her was inadequate.

56. Dr. Reimers did not receive any, or alternatively all, the information she needed about Bette Donathan prior to providing care to her.

57. On Sunday, April 16, 2006, internist Dr. Reimers was on call for internist Dr. Stensby.

58. Bette F. Donathan appeared to be recovering well from her surgery up and until approximately 11:00 a.m., Sunday, April 16, 2006.

59. At 11:00 a.m. on Sunday, April 16, 2006, entries in the medical chart reflect a sudden change in Bette Donathan's condition.

60. At approximately 11:00 a.m. on Sunday, April 16, 2006, Mrs. Donathan began to scream with pain in her left hip and back. She also complained of leg cramps.

61. At approximately 11:15 a.m. on April 16, 2006, internist Elizabeth Reimers,

M.D. was at the bedside. Dr. Reimers noted that Mrs. Donathan had excruciating cramps in her hips, left greater than the right and she was moaning, crying, and had diaphoresis (sweating). Dr. Reimers recorded in the chart that Mrs. Donathan was also unable to raise her left leg.

62. When the epidural catheter was removed on April 15, 2006, a hematoma started developing in the epidural space of Bette Donathan. The effects of the developing hematoma were impacting Bette Donathan at 11:00 a.m. on April 16, 2006. The epidural hematoma was enlarging and causing enough pressure that her spinal cord was being compressed by the hematoma, causing her to be symptomatic and complain as she did.

63. Dr. Reimers did not speak to the surgeon, Dr. White, about the fact that Mrs. Donathan had numbness in the left lower extremity and was unable to raise her left leg.

64. The nursing staff at Southern Tennessee Medical Center also did not notify Dr. White that Mrs. Donathan had numbness in her left lower extremity and was unable to raise her left leg.

65. Dr. Reimers ordered anxiety and pain medications, but did not test for or treat her neurological problems.

66. At approximately 11:30 a.m., a nurse noted: "complaints of cramps in legs and † back and now numbness in legs."

67. At approximately 2:00 p.m., Dr. White ordered x-rays for Bette Donathan. While the radiologic studies were done, Bette Donathan had pain on virtually any movement.

68. At approximately 4:30 p.m., a nurse's note states: "patient yelling out with complaints of cramps in back and legs." No nurse notified a physician of Bette Donathan's complaints.

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

70. At approximately 8:20 p.m., Mrs. Donathan's heart rate was up to 150 bpm's and was in an irregular rhythm. Nurse Moore contacted Dr. Reimers. Medication to treat Ms. Donathan's heart rate and rhythm was ordered by Dr. Reimers. No one knew what was causing the pain in Bette Donathan. No one was trying to find out.

71. All through the night, Bette Donathan was in pain, or received pain killers, which temporarily reduced the pain.

72. At approximately 6:00 a.m. on Monday, April 17, 2006, Dr. Stensby went to the ICU, making regular Monday morning rounds.

73. One of the nurses standing at the bedside with Dr. Stensby told him that Bette Donathan had been in pain throughout the night.

74. Dr. Stensby examined Bette Donathan and discovered that she could not feel or move her legs and her pain was gone.

75. Dr. Stensby correctly concluded that she had paraplegia, probably due to a spinal cord lesion. He stopped her Heparin.

76. 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. Bette F. Donathan was by then paralyzed from the waist down. An MRI was done, which revealed a “large heterogeneous complex epidural hematoma.” Thereafter, emergency surgery was performed. A laminectomy for decompression of the epidural hematoma was performed, but it was too late to save her from being permanently paralyzed.

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

77. 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.

78. 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 ordered the removal of Bette F. Donathan's epidural catheter while she was on anticoagulant drug therapy without insuring that someone competent to remove it indeed would remove it;
- 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;
- G. Negligently did not pay close attention to what the nursing staff told her;
- H. Negligently caused a delay in the diagnosis and treatment of Bette Donathan's true condition thereby causing or contributing to her permanent paralysis; and
- I. Negligently did not order the timely transfer of Bette Donathan on Sunday, April 16, 2006.

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

79. 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.

80. 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 ordered the removal of Bette F. Donathan's epidural catheter while she was on anticoagulant drug therapy without insuring that someone competent to remove it indeed would remove it;

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;

G. Negligently did not pay close attention to what the nursing staff told her;

H. Negligently caused a delay in the diagnosis and treatment of Bette Donathan's true condition thereby causing or contributing to her permanent paralysis; and

I. Negligently did not order the timely transfer of Bette Donathan on Sunday, April 16, 2006.

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

81. 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.

82. 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 on behalf of Bette F. Donathan;

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

C. Negligently did not communicate, or did not communicate reasonably, to the on-call physician regarding Bette Donathan; and

D. Negligently had an unreliable communication system in place which caused a lack of adequate information to be given to the on-call physician.

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

83. 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.

84. 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 on behalf of Bette F. Donathan;

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

C. Negligently did not communicate, or did not communicate reasonably, to the on-call physician regarding Bette Donathan; and

D. Negligently had an unreliable communication system in place which caused a lack of adequate information to be given to the on-call physician.

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

85. 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.

86. Ronald 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.

87. 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;
- D. Negligently did not obtain the informed consent of Bette Donathan for the use of an epidural catheter;
- E. Negligently inserted, or caused to be inserted, an epidural catheter into Bette Donathan;
- F. Negligently caused Bette F. Donathan's epidural catheter to be removed

while she was on blood thinners;

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
WINCHESTER ANESTHESIA GROUP**

88. 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.

89. Ronald Gordon, M.D., Kyle A. Kleinpeter, D.O., Faith E. Nance, CRNA, Christopher A. Will, CRNA, and other healthcare providers 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 inform Defendant Southern Tennessee Medical Center and the appropriate Medical Staff committees regarding the ongoing conflicts between the anesthesia department and the surgery department regarding the unnecessary use of epidural anesthesia for pain control;
- D. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan;
- E. Negligently inserted, or caused to be inserted, an epidural catheter into Bette Donathan;
- F. Negligently did not obtain the informed consent of Bette Donathan for the administration of epidural anesthesia;
- G. Negligently did not adequately supervise Kyle Kleinpeter, D.O.; Christopher Will, CRNA; Faith Nance, CRNA; Linda Clemens, CRNA and/or Student Registered Nurse Anesthetist (SRNAs);
- H. Negligently allowed SRNAs to attempt to obtain the informed consent of patients (like Bette Donathan) to proposed anesthesia;
- I. Negligently did not communicate with other health care members

regarding the decision to give Bette Donathan an epidural;

J. Negligently did not communicate with other health care members regarding the contraindication of giving Heparin (anticoagulant drug therapy) while Bette Donathan had an epidural catheter;

K. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan;

L. Negligently did not instruct the nursing staff on the dangers of removing an epidural catheter while patients like Bette Donathan are on anticoagulants;

M. Negligently caused Bette F. Donathan's epidural catheter to be removed while she was on anticoagulation drug therapy;

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

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

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

90. 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 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.

91. 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 inform Defendant Southern Tennessee Medical Center and the appropriate Medical Staff committees regarding the ongoing conflicts between the anesthesia department and the surgery department regarding the unnecessary use of epidural anesthesia for pain control;

D. Negligently did not obtain the informed consent of Bette Donathan for the administration of epidural anesthesia;

E. Negligently did not adequately supervise Kyle Kleinpeter, D.O.; Christopher Will, CRNA; Faith Nance, CRNA; Linda Clemens, CRNA and/or Student Registered Nurse Anesthetist (SRNAs);

F. Negligently allowed SRNAs to attempt to obtain the informed consent of patients (like Bette Donathan) to proposed anesthesia;

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

H. Negligently did not communicate with other health care members regarding the contraindication of giving Heparin (anticoagulant drug therapy) while Bette Donathan had an epidural catheter;

I. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan;

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

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

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

M. Negligently did not live up to his duties under the contract with the hospital;

N. Negligently did not supervise the anesthesia department appropriately;
and

O. Negligently did not instruct the hospital nursing staff on the safe removal

of epidurals which the department of anesthesia inserted into patients.

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

92. 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.

93. 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; Christopher Will, CRNA; Linda Clemens, CRNA and/or Student Registered Nurse

Anesthetists (SRNAs);

D. Negligently decided that an epidural catheter should be inserted in Bette Donathan;

E. Negligently did not obtain the informed consent of Bette Donathan for the use of an epidural catheter for post-operative pain management; and

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

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

94. 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.

95. The Defendant Faith Nance, CRNA was negligent on April 11, 2006 through April 17, 2006 in failing to provide reasonable 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 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 obtain the informed consent of Bette Donathan for the use of an epidural catheter;
- E. Negligently did not communicate with other health care members regarding the contraindication of giving Heparin (anticoagulant drug therapy) while this patient had an epidural catheter;
- F. Negligently did not appreciate the fact that an epidural catheter was contraindicated for Bette Donathan;
- G. Negligently did not supervise Student Registered Nurse Anesthetists (SRNAs);
- H. Negligently allowed Bette Donathan's epidural catheter to be inserted in her;
- I. Negligently caused Bette F. Donathan's epidural catheter to be removed while she was on anticoagulation drug therapy; and
- J. Negligently mismanaged and/or caused the mismanagement of Bette F.

Donathan.

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

96. 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.

97. The Defendant Christopher A. Will, CRNA was negligent on April 11, 2006 through April 17, 2006 in failing to provide reasonable 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 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

Bette Donathan had an epidural catheter;

D. Negligently did not appreciate the fact that Heparin was contraindicated in Bette Donathan while she was on an epidural catheter;

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

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

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

98. 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.

99. 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 insure that she received all the information she needed regarding her patient, Bette Donathan, prior to providing care to her;

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;

G. Negligently did not listen carefully to nurses who provided information to her about Bette Donathan;

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

I. Negligently did not timely transfer the patient, or cause her to be transferred, on Sunday, April 16, 2006.

**WRONGS COMPLAINED OF
SOUTHERN TENNESSEE MEDICAL CENTER**

100. 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.

101. 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.

102. 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.

103. 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.

104. All the nurses, technicians, physicians, anesthesia personnel and other personnel who provided care for Bette F. Donathan were either employees or agents of Southern Tennessee Medical Center.

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

106. 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.

107. 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 intervene and resolve the dispute between the department of anesthesia and the department of surgery regarding the use of unnecessary epidural catheters for post-op pain management;

E. Negligently did not have a specific policy and procedure in place pertaining to the safe removal of epidural catheters for patients on anticoagulant

therapy;

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

G. Negligently did not communicate properly about possible use of an epidural catheter;

H. Negligently did not insure that a consent form for anesthesia was obtained and signed for Mrs. Donathan's case and placed in the chart;

I. Negligently did not supervise Student Registered Nurse Anesthetist (SRNAs);

J. Negligently did not instruct the nursing staff on the dangers of removing an epidural catheter while patients are on anticoagulants;

K. Negligently allowed Student Registered Nurse Anesthetists to attempt to obtain informed consent of the hospital's patients--like Bette F. Donathan--to proposed anesthesia;

L. Negligently removed the epidural catheter from Bette F. Donathan on April 15, 2006;

M. Negligently did not notify physicians of Bette Donathan's condition in a timely manner;

N. Negligently did not adequately communicate to the physicians the serious signs and symptoms Bette F. Donathan was exhibiting;

O. Negligently caused the fact that Bette Donathan was not timely transferred on Sunday, April 16, 2006; and

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

DISCOVERY OF NEGLIGENCE

108. The plaintiffs did not discover, and could not reasonably have discovered, the negligence of the defendants which had occurred even before Bette Donathan became a patient at Southern Tennessee Medical Center. However, said negligent acts and omissions were a cause of the wrongful injuries to Bette Donathan.

DAMAGES

109. As a direct and proximate result of the negligence of the defendants, Bette F. Donathan became paralyzed.

110. As a direct and proximate result of the negligence of the defendants, Bette F. Donathan 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.

111. 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 other expenses to maintain herself reasonably.

112. Bette F. Donathan also has suffered loss of enjoyment of life, mental anguish, and pain and suffering and other damages.

113. 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

114. WHEREFORE, the Plaintiff Bette F. Donathan demands of the defendants TWENTY MILLION AND NO/100 (\$20,000,000.00) DOLLARS as reasonable compensatory damages.

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

116. 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:



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Daniel L. Clayton #12600

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The Woodlawn

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been mailed, postage prepaid to:

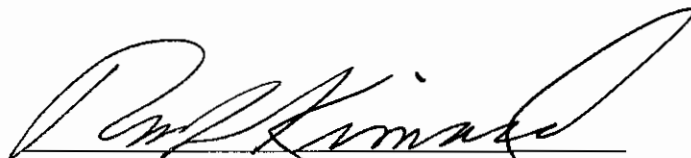
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on this the 9th day of April, 2008.


Randall L. Kinnard