

COPY

10/10/10
10/10/10
10/10/10
10/10/10
10/10/10
10/10/10

10/10/10

10/10/10

3.

Defendant L. Erik Westerlund, M.D. is a Georgia citizen who is subject to the jurisdiction and venue of this Court and may be served with process at his residence address, 6441 Springwater Drive, Columbus, (Muscogee County) GA 31904.

4.

Defendant Christopher K. Tidwell, M.D. is a Georgia citizen who is subject to the jurisdiction and venue of this Court and may be served with process at his residence address, 6924 Gaines Ridge Road, Columbus, (Muscogee County) GA 31904.

5.

Defendant Christopher K. Tidwell, M.D., P.C. ("Tidwell P.C.") is a Georgia professional corporation whose principal office is located at 1538 13th Avenue, Suite C100, Columbus, (Muscogee County) GA 31901. Once served, Defendant Tidwell P.C is subject to the jurisdiction and venue of this Court. Unless service is acknowledged, Defendant Tidwell P.C may be served with process through its registered agent, Carl A. Rhodes, at 1601 Thirteenth Street, Columbus, (Muscogee County) GA 31901.

6.

Defendant John R. Corbin, M.D. is a Georgia citizen who is subject to the jurisdiction and venue of this Court and may be served with process at his residence address, 7823 Eagles Landing Court, Columbus, (Muscogee County) GA 31909.

7.

Defendant St. Francis Hospital, Inc. ("St. Francis") is a Georgia corporation whose principal office is located at 2122 Manchester Expressway, Columbus, (Muscogee County) GA 31904. Once served, Defendant St. Francis is subject to the jurisdiction and venue of this Court.

Unless service is acknowledged, Defendant St. Francis may be served with process through its registered agent, Robert Granger, at 2122 Manchester Expressway, Columbus, (Muscogee County) GA 31908.

8.

Defendants John/Jane Doe(s) 1-3 are those yet unidentified individuals and/or entities who may be liable, in whole or part, for the damages alleged herein. Once served with process, John/Jane Doe(s) 1-3 are subject to the jurisdiction and venue of this Court.

9.

This court has subject matter jurisdiction, and venue is proper as to all Defendants in Muscogee County.

COUNT I- NEGLIGENCE OF THOMAS R. WALSH, M.D.

10.

Plaintiffs incorporate by reference, as if fully set forth herein, Paragraphs 1-9 of this First Amended and Recast Complaint for Damages.

11.

By agreeing to act as Ms. Williams' physician, Dr. Walsh entered into a physician-patient relationship with her. Dr. Walsh owed Ms. Williams a duty to exercise reasonable care and skill, namely that degree of care and skill that other medical doctors similarly situated would have provided ("the standard of care") in connection with his care and treatment of Ms. Williams.

12.

Dr. Walsh breached his duty to exercise reasonable care and skill, and failed to comply with the applicable standard of care in his treatment of Ms. Williams.

13.

As a direct and proximate result of the negligence of Dr. Walsh, Ms. Williams suffered bodily injury. As such, Ms. Williams is entitled to recover from Dr. Walsh for all damages suffered, including physical, emotional, and economic damages, both past and future.

14.

Plaintiffs incorporate by reference, as if fully set forth herein, the affidavit of Kalman D. Blumberg, M.D. attached as Exhibit 1 to Plaintiffs' Complaint for Damages.

COUNT II- NEGLIGENCE OF L. ERIK WESTERLUND, M.D.

15.

Plaintiffs incorporate by reference, as if fully set forth herein, Paragraphs 1-14 of this First Amended and Recast Complaint for Damages.

16.

By agreeing to act as Ms. Williams' physician, Dr. Westerlund entered into a physician-patient relationship with her. Dr. Westerlund owed Ms. Williams a duty to exercise reasonable care and skill, namely that degree of care and skill that other medical doctors similarly situated would have provided ("the standard of care") in connection with his care and treatment of Ms. Williams.

17.

Dr. Westerlund breached his duty to exercise reasonable care and skill, and failed to comply with the applicable standard of care in his treatment of Ms. Williams.

18.

As a direct and proximate result of the negligence of Dr. Westerlund, Ms. Williams suffered bodily injury. As such, Ms. Williams is entitled to recover from Dr. Westerlund for all

damages suffered, including physical, emotional, and economic damages, both past and future.

19.

Plaintiffs incorporate by reference, as if fully set forth herein, the affidavit of Kalman D. Blumberg, M.D. attached as Exhibit 1 to Plaintiffs' Complaint for Damages.

COUNT III- NEGLIGENCE OF CHRISTOPHER K. TIDWELL, M.D

20.

Plaintiffs incorporate by reference, as if fully set forth herein, Paragraphs 1-19 of this First Amended and Recast Complaint for Damages.

21.

By agreeing to act as Ms. Williams' physician, Dr. Tidwell entered into a physician-patient relationship with her. Dr. Tidwell owed Ms. Williams a duty to exercise reasonable care and skill, namely that degree of care and skill that other medical doctors similarly situated would have provided ("the standard of care") in connection with his care and treatment of Ms. Williams.

22.

Dr. Tidwell breached his duty to exercise reasonable care and skill, and failed to comply with the applicable standard of care in his treatment of Ms. Williams.

23.

As a direct and proximate result of the negligence of Dr. Tidwell, Ms. Williams suffered bodily injury. As such, Ms. Williams is entitled to recover from Dr. Tidwell for all damages suffered, including physical, emotional, and economic damages, both past and future.

24.

Plaintiffs incorporate by reference, as if fully set forth herein, the affidavit of Matthew L. Schlossberg, M.D. attached as Exhibit 4 to Plaintiffs' Complaint for Damages.

COUNT IV- NEGLIGENCE OF JOHN R. CORBIN, M.D

25.

Plaintiffs incorporate by reference, as if fully set forth herein, Paragraphs 1-24 of this First Amended and Recast Complaint for Damages.

26.

By agreeing to act as Ms. Williams' physician, Dr. Corbin entered into a physician-patient relationship with her. Dr. Corbin owed Ms. Williams a duty to exercise reasonable care and skill, namely that degree of care and skill that other medical doctors similarly situated would have provided ("the standard of care") in connection with his care and treatment of Ms. Williams.

27.

Dr. Corbin breached his duty to exercise reasonable care and skill, and failed to comply with the applicable standard of care in his treatment of Ms. Williams.

28.

As a direct and proximate result of the negligence and gross negligence of Dr. Corbin, Ms. Williams suffered bodily injury. As such, Ms. Williams is entitled to recover from Dr. Corbin for all damages suffered, including physical, emotional, and economic damages, both past and future.

29.

Plaintiffs incorporate by reference, as if fully set forth herein, the affidavit of Robert A.

Mulliken, M.D. attached as Exhibit 5 to Plaintiffs' Complaint for Damages.

**COUNT V- VICARIOUS LIABILITY/RESPONDEAT SUPERIOR
OF ST. FRANCIS HOSPITAL, INC.**

30.

Plaintiffs incorporate by reference, as if fully set forth herein, Paragraphs 1-29 of this First Amended and Recast Complaint for Damages.

31.

At all times relevant to the allegations contained in this Complaint, Dr. Walsh, Dr. Westerlund, and the St. Francis Hospital nursing staff were acting in the course and scope of their employment with Defendant St. Francis Hospital, Inc. and therefore, St. Francis Hospital, Inc. is vicariously liable for the respective acts of negligence as alleged herein.

32.

Plaintiff Sandra Williams is entitled to recover from St. Francis Hospital, Inc. for all damages Plaintiff suffered as a proximate result of the negligence of its defendant employees, including physical, emotional, and economic injuries.

**COUNT VI- VICARIOUS LIABILITY OF
OF ST. FRANCIS HOSPITAL, INC./AGENCY**

33.

Plaintiffs incorporate by reference, as if fully set forth herein, Paragraphs 1-32 of this First Amended and Recast Complaint for Damages.

34.

At all times relevant to the allegations contained in this Complaint, Dr. Walsh and Dr. Westerlund were acting in the course and scope of their authority as agents of their principal, Defendant St. Francis Hospital, Inc. in providing medical care to Plaintiff Sandra Williams and

therefore, St. Francis Hospital, Inc. is vicariously liable for the respective acts of negligence as alleged herein.

35.

Plaintiff Sandra Williams is entitled to recover from St. Francis Hospital, Inc. for all damages Plaintiff suffered as a proximate result of the negligence of its defendant agents, including physical, emotional, and economic injuries.

COUNT VII- VICARIOUS LIABILITY OF CHRISTOPHER K. TIDWELL, M.D., P.C.

36.

Plaintiffs incorporate by reference, as if fully set forth herein, Paragraphs 1-35 of this First Amended and Recast Complaint for Damages.

37.

At all relevant times, Dr. Tidwell was acting in the course and scope of his employment or agency with Defendant Christopher K. Tidwell, M.D., P.C. and therefore, Defendant Christopher K. Tidwell, M.D., P.C. is vicariously liable for the negligent acts of Dr. Tidwell as alleged herein.

38.

Plaintiff Sandra Williams is entitled to recover from Christopher K. Tidwell, M.D., P.C. for all damages Plaintiff suffered as a result of the negligence of Dr. Tidwell, including physical, emotional, and economic injuries.

DAMAGES

39.

Plaintiffs incorporate by reference, as if fully set forth herein, Paragraphs 1-38 of this First Amended and Recast Complaint for Damages.

40.

As a direct and proximate result of the Defendants' individual and collective conduct, Plaintiff Sandra Williams is entitled to recover from Defendants reasonable compensatory damages in an amount in excess of \$10,000.00 to be determined by a fair and impartial jury for all damages Plaintiff suffered, including physical, emotional, and economic injuries.

EXPENSES OF LITIGATION

41.

Plaintiffs incorporate by reference, as if fully set forth herein, Paragraphs 1-40 of this First Amended and Recast Complaint for Damages.

42.

Plaintiffs show that Defendants Dr. Walsh, Dr. Westerlund, Dr. Tidwell, Christopher K. Tidwell, M.D., P.C., Dr. Corbin, and St. Francis Hospital, Inc. have acted in bad faith, have been stubbornly litigious, and/or have caused Plaintiffs unnecessary trouble and expense thereby entitling Plaintiffs to their expenses of litigation pursuant to O.C.G.A. § 13-6-11.

WHEREFORE, Plaintiffs demand a trial by jury and judgment against the Defendants as follows:

- a) Compensatory damages in an amount in excess of \$10,000 to be determined by a fair and impartial jury;
- b) All costs of this action; and
- c) Such other and further relief as the Court deems just and proper.

This 17th day of August, 2017.


[Signatures on next page.]

Respectfully submitted,



LLOYD N. BELL
Georgia Bar No. 048800
MICHAEL K. WATSON
Georgia Bar No. 741526

BELL LAW FIRM
1201 Peachtree St. N.E., Suite 2000
Atlanta, GA 30361
(404) 249-6767 (tel)
bell@BellLawFirm.com
mike@BellLawFirm.com



LAWRENCE B. SCHLACHTER M.D. J.D. J. 11
Georgia Bar No. 001353
4/1/12
WR

SCHLACHTER LAW FIRM
602 Macy Drive
Roswell, Georgia 30076
(770) 552-8362 (tel)
larry@schlachterlaw.com

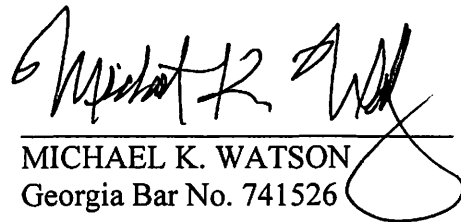
Attorneys for Plaintiffs

Gregory Ellington, Esq.
gellington@hallboothsmith.com
Robert Calhoun Martin, Esq.
rcm@hallboothsmith.com
Hall Booth Smith PC
P.O. Box 2707
Columbus, GA 31902-2707

Paul E. Weathington, Esq.
PWeathington@weathingtonsmith.com
Weathington Smith, PC
191 Peachtree St., NE, Suite 3900 Atlanta,
GA 30303

This 17th day of August, 2017.

BELL LAW FIRM


MICHAEL K. WATSON
Georgia Bar No. 741526

1201 Peachtree St. N.E., Suite 2000
Atlanta, GA 30361
(404) 249-6767 (tel)
Bell@BellLawFirm.com

Attorneys for Plaintiffs