

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

BONNIE TITTLE AND JAMES)
VAZQUEZ a/k/a JAMES VASQUEZ,)
INDIVIDUALLY AND AS THE)
NATURAL GUARDIANS, PARENTS AND)
NEXT FRIENDS OF THE INFANT,)
CHASE VAZQUEZ a/k/a CHASE)
VASQUEZ,)

Plaintiffs,)

v.)

HAIBA SONYIKA, M.D.; AND EMORY)
UNIVERSITY d/b/a CRAWFORD LONG)
HOSPITAL OF EMORY UNIVERSITY)
SYSTEM OF HEALTHCARE)

Defendants.)

CIVIL ACTION

FILE NO.: _____

JURY TRIAL DEMANDED

COMPLAINT FOR MEDICAL MALPRACTICE

COME NOW Bonnie Tittle and James Vazquez a/k/a James Vasquez, Individually and as the Natural Guardians, Parents and Next Friends of Chase Vazquez a/k/a Chase Vasquez, Plaintiffs herein, who file this, their “Complaint for Medical Malpractice,” against Defendants Haiba Sonyika, M.D. (hereinafter “Defendant Sonyika” or “Dr. Sonyika”), and Emory University d/b/a Crawford Long Hospital of Emory University System of Healthcare (hereinafter “Defendant Emory University” or “Defendant Emory”), showing the Court and Jury as follows:

1.

Defendant Haiba Sonyika, M.D. is a physician licensed to practice medicine in the State of Georgia. Said Defendant resides at 200 Hamden Trace, S.W., Atlanta, Fulton County, Georgia 30331, where she may be personally served with the Summons and Complaint. Said

Defendant is subject to the jurisdiction and venue of this Court by virtue of being a joint tortfeasor with Defendant Emory University.

2.

Defendant Emory University d/b/a Crawford Long Hospital of Emory University System of Healthcare is a domestic non-profit corporation organized and existing under the laws of the State of Georgia, with its principal place of business located at 1380 Oxford Road, N.E., Atlanta, Dekalb County, Georgia 30322, which, at all times material herein, has owned and/or operated and/or done business as a hospital business known as Crawford Long Hospital of Emory University System of Healthcare, located at 550 Peachtree St., N.E., Atlanta, Georgia 30308. Said defendant may be served through its registered agent, Stephen D. Sencer, at 401 Administration Bldg., 1380 Oxford Road, N.E., Atlanta, Dekalb County, Georgia 30322. Defendant Emory University is subject to the jurisdiction and venue of this Court.

3.

Personal and subject matter jurisdiction in this court exists over the parties to this action and the claims pled. One or more of the Defendants is a resident, has a business and/or office in, or a registered agent for service residing in Dekalb County, Georgia, and the Defendants are joint tortfeasors. Accordingly, venue is properly laid in this Court.

4.

Upon information and belief, Defendant Haiba Sonyika, M.D. was an actual and/or apparent and/or ostensible agent and/or employee of Defendant Emory University and was acting in the course of said agency/employment, and within the scope of said agency/employment, at all times during which she provided care and treatment to Bonnie Tittle and Chase Vazquez a/k/a Chase Vasquez (hereinafter "Chase Vazquez") at all times material

hereto. Consequently, Defendant Emory University is liable to Plaintiffs for any and all damages attributable to the negligent acts and/or omissions of Defendant Haiba Sonyika, M.D.

5.

Upon information and belief, the residents, registered nurses, nurse practitioners, licensed practical nurses, respiratory therapists, laboratory technicians and other non-physician healthcare professionals and personnel who cared for and treated Bonnie Tittle and Chase Vazquez while they were patients at Crawford Long Hospital of Emory University System of Healthcare at all times material hereto were actual and/or apparent and/or ostensible agents and/or employees of Defendant Emory University, and were acting in the course of said agency/employment, and within the scope of said agency/employment, at all times during which they provided care and treatment to Bonnie Tittle and Chase Vazquez. Consequently, pursuant to the doctrines of *respondeat superior* and/or actual, apparent and/or ostensible agency, Defendant Emory University is liable to Plaintiffs for any and all damages attributable to the negligent acts and/or omissions of said residents, registered nurses, nurse practitioners, licensed practical nurses, respiratory therapists, laboratory technicians and other non-physician healthcare professionals and personnel.

6.

Defendant Emory University is responsible for all of its actual, apparent and/or ostensible agents or employees who rendered any medical and/or nursing care and treatment to Bonnie Tittle and Chase Vazquez while they were patients at Crawford Long Hospital of Emory University System of Healthcare at all times material hereto.

**STANDING OF PLAINTIFFS TO BRING THIS ACTION
AND COMPLIANCE WITH THE PLEADING REQUIREMENTS
OF O.C.G.A. §9-11-9.1**

7.

Plaintiff Chase Vazquez is the minor child of Plaintiffs Bonnie Tittle and James Vazquez a/k/a James Vasquez (hereinafter “James Vazquez”) who are her legal parents and natural guardians.

8.

Plaintiffs Bonnie Tittle and James Vazquez are the natural parents of Chase Vazquez, a minor born on December 20, 2001. Plaintiffs Bonnie Tittle and James Vazquez bring this action individually and as the natural guardians, parents and next friends of their minor daughter, Chase Vazquez. Plaintiffs Bonnie Tittle and James Vazquez are the natural guardians of Chase Vazquez. *O.C.G.A.* §§ 29-4-1 and 29-4-2(a); *Dee v. Sweet*, 224 Ga. App. 285, 480 S.E.2d 316 (1997). Plaintiffs Bonnie Tittle and James Vazquez and Chase Vazquez are also residents and citizens of the State of Georgia.

9.

Plaintiffs Bonnie Tittle and James Vazquez are the natural parents of Chase Vazquez and are entitled to bring this action on behalf of their daughter and recover from Defendants and each of them all items of damages allowed by law during the time that she is a minor. *O.C.G.A.* §§ 9-11-17(c), 29-4-1, 29-4-2(a) and 29-4-7.

10.

Plaintiffs Bonnie Tittle and James Vazquez are the natural parents of Chase Vazquez and are entitled to bring this action and to recover against Defendants and each of them all items of

damages allowed by law, including all past, present and future medical expenses, costs of care, equipment, supplies and related items, while their daughter is a minor.

11.

Plaintiffs Bonnie Tittle and James Vazquez are the natural parents of Chase Vazquez and are entitled to bring this action in their individual capacities and to recover against Defendants and each of them all damages allowed by law, including the loss of services of their minor child.

12.

Plaintiffs Bonnie Tittle and James Vazquez are the natural guardians, parents and next friends of Chase Vazquez and are entitled to bring this action to recover against Defendants and each of them all future loss of income, wages and job benefits and all damages for the past, present and future physical and mental pain and suffering and disabilities incurred by Chase Vazquez during her minority, as well as those expected to be incurred after Chase Vazquez reaches the age of majority.

13.

Pursuant to *O.C.G.A.* § 9-3-73(b), “[a] minor who has not attained the age of five years shall have two years from the date of such minor’s fifth birthday within which to bring a medical malpractice action if the cause of action arose before such minor attained the age of five years.” This subsection is intended to create a statute of limitations. *O.C.G.A.* § 9-3-73(d). Accordingly, Plaintiffs Bonnie Tittle and James Vazquez, as the natural guardians, parents and next friends of Chase Vazquez, are entitled to bring this action and recover against the Defendants and each of them herein, all future loss of income, wages and job benefits and all damages for the past, present and future physical and mental pain and suffering and disabilities incurred by Chase Vazquez, as well as all medical expenses and costs of care, equipment,

supplies and related items expected to be incurred by Chase Vazquez after she reaches the age of majority.

14.

This is an action for professional negligence. Consequently, pursuant to, and in full compliance with, O.C.G.A. § 9-11-9.1, Plaintiffs have attached to this Complaint, and filed contemporaneously herewith, the Affidavit of Harlan R. Giles, M.D., a duly licensed physician who is board-certified in Obstetrics and Gynecology and Maternal-Fetal Medicine. Said affidavit sets forth at least one act of negligence of each of the Defendants in full compliance with O.C.G.A. § 9-11-9.1.

FACTS GIVING RISE TO THIS LITIGATION

15.

At all times material hereto, Plaintiff Bonnie Tittle was a patient of Defendants Sonyika and Emory University, and their actual, apparent and/or ostensible agents and employees, and said Defendants and their actual, apparent and/or ostensible agents and employees owed to Plaintiff Bonnie Tittle and her unborn child the duty to exercise the degree of care and skill required by like physicians, osteopaths, residents, registered nurses, nurse practitioners, licensed practical nurses, respiratory therapists, laboratory technicians and/or other non-physician healthcare professionals and personnel in general under similar conditions and like surrounding circumstances as presented herein in their medical diagnosis, care and treatment of Bonnie Tittle and her unborn child, Chase Vazquez.

16.

At all times material hereto, Plaintiff Chase Vazquez was a patient of Defendants Sonyika and Emory University, and their actual, apparent and/or ostensible agents and

employees, and said Defendants and their actual, apparent and/or ostensible agents and employees owed to Plaintiff Chase Vazquez the duty to exercise the degree of care and skill required by like physicians, osteopaths, residents, registered nurses, nurse practitioners, licensed practical nurses, respiratory therapists, laboratory technicians and/or other non-physician healthcare professionals and personnel in general under similar conditions and like surrounding circumstances as presented herein in their medical diagnosis, care and treatment of Plaintiff Chase Vazquez.

17.

Bonnie Tittle entered into a physician-patient relationship with Defendant Sonyika for the purpose of care and treatment during her pregnancy with Chase Vazquez .

18.

On December 18, 2001 at 16:40 Bonnie Tittle presented to Labor and Delivery at Emory University's Crawford Long Hospital of Emory University System of Healthcare stating her labor had began at approximately 14:00 on that day. Ms. Tittle was a Gravida 1 at approximately 37 3/7 to 38/37 weeks gestation with an EDC of January 5, 2002. An examination was performed and the cervix was closed, the baby was at -3 station, membranes were intact and there was no vaginal bleeding noted. Her vital signs were taken and an external fetal heart monitor was placed showing fetal heart tones 140's to 150's. No contractions were noted. Blood pressure on admission was 137/99, and at 16:30 Dr. Reynolds was notified of the patient's arrival. Orders were received to admit the patient for 23 hours observation to rule out PIH.

19.

On December 19, 2001 at 01:35 a history and physical was performed. It was noted that the membranes had ruptured at approximately 01:00. A vaginal exam was performed showing

cervix 2cm dilated, 50% effacement and -1 station. Uterine activity was irritable with contractions every 2 minutes. The plan of care was for induction/ augmentation of labor and to manage her elevated blood pressure with magnesium sulfate.

20.

On December 19, 2001 at 00:00 a bolus of 4 grams magnesium sulfate was given followed by an infusion of 2 Grams per hour started at 00:30. Her blood pressure was 142/95.

21.

On December 19, 2001 at 10:45 Pitocin was started at 2 mu/min, fetal heart tones were noted in 120's with positive long term variability. Contractions were charted as occurring every 5 to 7 minutes and lasting 40 to 50 seconds.

22.

On December 19, 2001 from 11:15 to 14:15 the Pitocin was increased incrementally from 4 mu/min to 22 mu/ min. During this time period the fetal heart tones were 120's to 130's with positive long term variability charted. The contractions were charted as occurring every 10 to 12 minutes and lasting 40 to 50 seconds, then decreasing in frequency to occasional from 13:00 to 14:30.

23.

On December 19, 2001 from 16:00 to 19:00 Pitocin remained at 22 mu/min. Contractions were recorded to occur every 2 to 3 minutes until 17:30 when they were recorded as occasional. The duration was 40 to 50 seconds. Fetal heart tones were recorded as 130's to 140's with positive long term variability. Ms. Tittle was in a left lateral position. At 17:15 a vaginal exam was performed and charted as 2cm dilated 60% effaced and -2 station. Dr.

Sonyika was notified and orders were received for Nubain 10 mg and Phenergan 25mg IV push which was given.

24.

The nurses who provided obstetrical services and care to Plaintiff Bonnie Tittle and her unborn child were required by the standard of care, that is, the degree of care and skill required in general under similar conditions and like surrounding circumstances as those herein, to accurately interpret the fetal heart activity and to recognize the potential data reflecting potential harm to the well-being of the fetus and mother.

25.

The standard of care required that such nursing personnel accurately and timely diagnose the presence of any potential harmful fetal heart rate characteristic or pattern and to provide appropriate and timely treatment and intervention, including timely notification of the attending physician and/or discontinuation of the administration of Pitocin.

26.

Defendant Sonyika, as a physician providing medical diagnosis, care and treatment was required by the standard of care of physicians, that is, that degree of care and skill required of physicians in general under similar conditions and like surrounding circumstances as those presented herein, to timely assess and examine in appropriate intervals and to be and remain aware of the status of fetal well-being and maternal well-being while her patients were under her care.

27.

Defendant Sonyika was required by the standard of care of physicians, that is, that degree of care and skill required of physicians in general under similar conditions and like surrounding

circumstances as those presented herein, to timely respond and provide appropriate care and treatment upon notification by hospital personnel of the presence of evidence reflected by external fetal heart monitoring of actual or potential risk of harm to the fetus and/or mother during the labor and delivery.

28.

Defendant Sonyika was required by the standard of care of physicians, that is, that degree of care and skill required of physicians in general under similar conditions and like surrounding circumstances as those presented herein, to timely intervene and deliver the infant when deterioration of fetal well-being or fetal distress became known or should have been known to exist.

29.

On December 19, 2001 starting at 19:00 through 21:00 the fetal heart tones were recorded as 140's with decreased long term variability. Ms. Tittle was positioned left laterally. No uterine contractions were recorded during this time. Pitocin remained at 22 mu/min. At 20:15 a report was given to Dr. Sonyika with no new orders received.

30.

On December 19, 2001 at 21:15 fetal heart tones were recorded as 135 to 140 then at 130's at 21:45. Long term variability was diminished. The patient was positioned on her left side. No contractions were recorded.

31.

On December 19, 2001, according to the nursing notes, at 22:00 Dr. Sonyika was called and a report was given with no new orders received. At 22:05 Dr. Reynolds called and report was given with orders received to increase the Pitocin up to a maximum of 30 mu/min and to

have a resident evaluate the patient and place an IUPC (intrauterine pressure catheter). At 22:15 Dr. Sonyika called and a report was given.

32.

On December 19, 2001 at 22:30 Dr. Sevesie was present at the bedside for the placement of an IUPC. A vaginal exam was performed and charted as cervix 2 cm dilated 75% effaced and -2 station. Fetal heart tones were 130's with decreased variability. The patient began to complain of uterine contractions and the Pitocin was reduced to 18 mu/min. At 22:45 the Pitocin was reduced to 12 mu/min.

33.

On December 19, 2001 at 22:45 Ms. Tittle was complaining of pain and was medicated with Nubain and Phenergan. Pitocin was decreased to 12 mu/min. Contractions were recorded as occurring every 1 to 1 ½ minutes and lasting approximately 40 seconds. Fetal heart tones were recorded as 130's with decreased short term and long term variability. Ms. Tittle was in right lateral position.

34.

On December 19, 2001 at 23:00 contractions were recorded every 1 ½ to 2 minutes lasting approximately 50 to 60 seconds. The fetal heart tones were recorded as 130's with decreased long term and short term variability. The Pitocin was decreased to 6 mu/min. Ms. Tittle position was recorded as right lateral.

35.

On December 20, 2001 at 00:01, contractions were recorded as every 1 ½ to 2 minutes with a duration of 60 to 90 seconds. Fetal heart tones were 130's with decreased short term

variability and present long term variability recorded. Pitocin was decreased to 3 mu/ min. At 00:30 Ms. Tittle's position was changed to right lateral.

36.

On December 20, 2001 at 01:00 contractions were recorded every 2 ½ to 3 minutes lasting 60 to 90 seconds. Fetal heart tones were 130's with decreased short term variability. Long term variability was recorded as present. At 01:40 Ms. Tittle was medicated for complaints of pain with Nubain and Phenergan. Pitocin remains at 3 mu/min. Ms. Tittle's position is recorded as right lateral.

37.

On December 20, 2001 at 02:00 contractions were recorded every 2 to 3 minutes lasting 60 to 90 seconds. Fetal heart tones were recorded as 128-132 with decreased short term variability and positive long term variability. Pitocin was infusing at 3 mu/min. Ms. Tittle was positioned on her right side.

38.

On December 20, 2001 at 03:00 Ms. Tittle was complaining of increased pain with contractions. A vaginal examination was performed and showed the cervix 4cm dilated completely effaced and minus 1 station. At 03:04 Dr. Sonyika was notified and orders were received for epidural placement.

39.

On December 20, 2001 at 03:30 Dr. Sebel was at the bedside for the epidural placement.

40.

On December 20, 2001 at 04:40 the fetal heart rate decelerated and Ms. Tittle was repositioned to her right side and oxygen was started via mask at 10 liters/minute. The Pitocin was increased to 7 mu/min at 04:30 or 04:45.

41.

On December 20, 2001 at 04:45 a vaginal exam was performed by a nurse who noted that the patient was beginning to push. Severe variable decelerations x 3 were noted by the nurse and Dr. Sonyika was notified. Severe decelerations continued to 50 or 60 beats per minute while the mother was pushing.

42.

On December 20, 2001 at 04:58 Dr. Sonyika was called to evaluate the patient. The patient continued pushing involuntarily with the uterine contractions and the fetal heart rate would drop from the 170's to the 50's. Scalp stimulation was applied by the nurses.

43.

On December 20, 2001 at 05:07 Dr. Sonyika was at the bedside to evaluate the patient and noted that Ms. Tittle was completely dilated, completely effaced and that the baby was at -2 to -3 station. The fetal heart rate continued to drop with every contraction and stayed decreased for approximately one minute with each contraction. The nurses and Dr. Sonyika were applying scalp stimulation when the heart rate dropped.

44.

On December 20, 2001 at 05:11 the Pitocin was turned off. Orders were received to start and amnioinfusion with 500cc that was started at 05:15. Dr. Sonyika ordered the patient to continue pushing.

45.

On December 20, 2001 at 05:22 the decelerations were continuing with each contraction. Dr. Sonyika instructed the patient to continue pushing and left the room.

46.

On December 20, 2001 at 05:26 Dr. Sonyika was called by the nurse after a prolonged deceleration lasting several minutes. She arrived at the bedside at 05:27 and called for a stat cesarean section.

47.

On December 20, 2001 at 05:42 the initial incision was made and the infant was delivered at 05:47. There is no record of the neonatal resuscitation in the delivery room.

48.

According to the neonatology admission note: "Called stat to delivery room after baby had profound bradycardia necessitating c-section. Primary resuscitation by neonatal nurse practitioner. 1/2/3 Apgar with immediate intubation by 1 minute. No response in tone, respiratory effort or color (pallor). By 10 minutes she was starting to look pink centrally despite persisting pallor. Brought to NICU. I arrived at \approx 25 minutes of age. Baby was draped for UAC but obviously had decreased tone and no respiratory effort - UAC & UVC inserted very easily and tied at 11cm. Further exam- Lungs course and profound rales bilaterally ok BP & ok perfusion - sat 100% on 35-40% O₂ - rest of exam ok except $\downarrow\downarrow$ tone & reflex - 1st breath \approx 45-50 minutes

Maternal history: 18 year old - reportedly Mag labs - had ROM > 24 hours History of PIH on Mg⁺⁺, AB's, & Demerol.

Impression: Term female low apgar - ? 2° Meds vs. Uterine placental insufficiency & Asphyxia vs. sepsis - r/o Sepsis with PROM

Plan: Vent, Mg++ level, CBC platelets, Narcan, Vitamin K, eye prophylaxis, ABG's.

Have talked to parents condition critically ill & unstable.”

49.

On December 20, 2001, according to the nurses notes, the infant arrived in the NICU at 06:00 and was placed on a radiant warmer. The temperature was 34.7, heart rate 133, respiratory rate 54. baby was on 100% O2 and was intubated. According to the nurses assessment, on arrival the baby was depressed, hypotonic, and lethargic with eyes open. Breathe sounds were course bilaterally and an ETT was present. Heart sounds were regular pulses 2+ bilaterally with a capillary refill of < 3 seconds. Comments: after reintubation. Abdomen was soft. Color was pink and skin was cool, moist and intact.

50.

On December 20, 2001, according to the respiratory therapy NICU flow sheet, at 06:10 the baby was reintubated and placed on the ventilator on with a PEEP of +5 a breathing rate of 50 and 100% oxygen.

51.

On December 20, 2001 at 06:30 the UAC & UVC were in place, the initial blood work was drawn at 06:40 and included a blood culture, CBC with differential and a Magnesium level. At 06:45 an arterial blood gas was drawn.

52.

The results of the initial lab work obtained was as follows:

ABG: Ph 6.99 PCO2 47.3 PO2 135.9 HCO3 11.3 B.E. -20.7

CBC: Wbc 27.3 Rbc 4.00 Hbg 15.2 Hct 45.4 MCV 113.3
MCH 37.9 MCHC 33.4 Band 11% Seg 23% Lym 59%
Mono 4% Meta 1% React lym 2% NRBC 3

Magnesium: 5.7

53.

On December 20, 2001 a physician's order was written for Sodium Bicarb 3mEq IV and Narcan 0.7cc IV. The Sodium Bicarb was started at 07:15 to infuse over 30 minutes and the Narcan was administered IM in the right thigh. Ampicillin and Gentamycin were also given at 07:30 and 08:00 respectively.

54.

On December 20, 2001 at 12:30 Chase was electively extubated with a respiratory rate of 42 – 68 and no increased work of breathing noted by the nurse.

55.

On December 21, 2001 at 01:18 the baby was noted to have a possible apnea episode with a desaturation and chin tremors were also noted. At 01:55 the baby had a confirmed apnea episode with a desaturation to 68% that did not respond to blow by oxygen and tactile stimulation but required bagging. The baby had notable eye tremors and chin tremors that did not stop when touched. The Neonatal Nurse Practitioner was notified and Phenobarbital was ordered.

56.

On December 21, 2001 Phenobarbital 30 mg was given IV at 02:00 and repeated at 02:45. An additional dose of Phenobarbital 15 mg was given at 03:50.

57.

On December 21, 2001 due to several episodes of apnea that required bagging the infant was re-intubated with a 3.5 ETT and placed back on the ventilator.

58.

On December 21, 2001 an EEG was performed with the results reported in pertinent part: “During much of the record there is a moderately low voltage which is interrupted by bursts of generalized moderate to high voltage sharp and spike activity. There is no clinical correlation with these discharges. They may also occur independently on the left or right sides. Impression: This is an abnormal EEG because of a low voltage background with bursts of generalized spike and sharp activity.”

59.

On December 26, 2001 an MRI of the brain without Gadolinium was performed, the results reported in pertinent part: “Impression: Hypoxic injury to the basal ganglia structures as evidenced by the abnormal signal on the T1 and T2 weighted images. Also, probable hypoxic injury to the central sulcus as the hyperintense signal seen on T1 weighted images is greater than would be typical. Small posteriorly- located extra-axial hemorrhage possibly related to birth trauma. No significant mass effect is exerted.”

60.

On December 27, 2001 a consultation was ordered with a neurologist who examined the infant and formed the following impressions: “Hypoxic ischemic encephalopathy, would continue phenobarb for 1-2 weeks and D/C if no future seizures. Will need follow up in December in CP clinic- Most likely this baby will have CP and cognitive involvement although difficult to state extent at this point.”

61.

On January 27, 2002 the baby was discharged to home. Her neurologic exam remained abnormal with a continuous upward eye gaze, no suck, no gag, poor swallow reflex, moderate tightness of upper extremities, and stiffening of lower extremities. She was sent home on bolus tube feedings during the day and continuous feedings during the night.

62.

Defendants Haiba Sonyika, M.D. and Emory University, acting directly and/or through their actual and/or apparent and/or ostensible agents and/or employees, negligently deviated and departed from the standard of care applicable to like physicians, osteopaths, residents, registered nurses, nurse practitioners, licensed practical nurses, respiratory therapists, laboratory technicians and/or other non-physician healthcare professionals and personnel in general under similar conditions and like surrounding circumstances as presented herein in their care and treatment of Bonnie Tittle and Baby Girl Tittle a/k/a Chase Vazquez as follows:

a) Defendants Haiba Sonyika, M.D. and Emory University, acting directly and/or through their actual and/or apparent and/or ostensible agents and/or employees, including, without limitation, Defendant Sonyika and nurses who rendered care and treatment to Bonnie Tittle and/or Chase Vazquez at all times material hereto, negligently failed to timely recognize the fetal distress of Chase Vazquez, a shared responsibility of both the physician and the nursing staff;

b) Defendant Emory University, acting directly and/or through its actual and/or apparent and/or ostensible agents and/or employees, including, without limitation, nurses who rendered care and treatment to Bonnie Tittle and/or Chase Vazquez at all times material hereto,

negligently failed to discontinue the administration of Pitocin in a timely fashion in the presence of fetal distress;

c) Defendants Haiba Sonyika, M.D. and Emory University, acting directly and/or through their actual and/or apparent and/or ostensible agents and/or employees, including, without limitation, Defendant Sonyika, negligently failed to timely intervene and timely perform an operative delivery of Chase Vazquez; and,

d) Defendants Haiba Sonyika, M.D. and Emory University, acting directly and/or through their actual and/or apparent and/or ostensible agents and/or employees, including, without limitation, Defendant Sonyika and nurses who rendered care and treatment to Bonnie Tittle and/or Chase Vazquez at all times material hereto, otherwise failed to exercise that degree of skill, care and diligence as was required for the proper delivery, care and treatment of Chase Vazquez.

63.

The deviations and departures from the standard of care required of physicians and nurses in general under similar conditions and like surrounding circumstances described in paragraph 62 above proximately caused and/or contributed to cause Chase Vazquez to sustain permanent and irreversible neurological injuries and deficits.

64.

Had the standard of care been complied with by all of the parties referred to in paragraph 62 above, that is, had the deviations and departures from the standard of care stated above in paragraph 62 not have occurred, then it is more likely than not, within a reasonable degree of medical probability, that Chase Vazquez's permanent and irreversible neurological injuries and deficits would have been prevented.

65.

As a direct and proximate result of the negligence of the Defendants, Plaintiff Chase Vazquez suffered permanent and catastrophic neurological injuries, including brain damage and other devastating physical and mental injuries.

66.

As a direct and proximate result of the negligence of the Defendants, Plaintiff Chase Vazquez has been severely delayed in her development and will never recover from her catastrophic injuries and the permanent limitations and disabilities caused by the Defendants.

67.

As a direct and proximate result of the negligence of the Defendants, Plaintiff Chase Vazquez has required and will continue to require future medical care and therapies, medical equipment, adaptive devices and supplies and other related goods and services for her entire life.

68.

As a direct and proximate result of the negligence of the Defendants, Plaintiff Chase Vazquez has lost the capacity to labor and to earn income, wages, and benefits in the future.

69.

As a direct and proximate result of the negligence of the Defendants, Plaintiff Chase Vazquez has endured and will continue to endure physical and mental pain and suffering, disability and disfigurement.

70.

As a direct and proximate result of the negligence of the Defendants, Plaintiffs Bonnie Tittle and James Vazquez have incurred and will continue to incur expenses and costs of the care

caused by Defendants' negligence while their daughter is a minor and have suffered the loss of services of their minor child, Chase Vazquez.

71.

Plaintiffs Bonnie Tittle and James Vazquez, Individually, are entitled to a recovery against the Defendants for all damages allowed by law as shown by the evidence upon the trial of this action, including, without limitation, damages for all past, present and future medical expenses and costs of care, equipment, supplies and related items incurred and to be incurred in treating Chase Vazquez during her minority as a proximate result of the negligence of the Defendants and each of them, in an amount to be proven at trial; and damages incurred by Plaintiffs Bonnie Tittle and James Vazquez, Individually, for the loss of services of their minor child, Chase Vazquez, as a proximate result of the negligence of the Defendants and each of them, in an amount to be determined by the enlightened conscience of the jury.

72.

Plaintiffs are entitled to recovery against the Defendants for all other damages allowed by law as shown by the evidence upon the trial of this action, including, without limitation, damages for the past, present and future physical and mental pain and suffering, disability and disfigurement incurred by Chase Vazquez as a proximate result of the negligence of the Defendants and each of them, in an amount to be determined by the jury; damages for all medical expenses and costs of care, equipment, supplies and related items expected to be incurred by Chase Vazquez over the course of her lifetime after she reaches the age of majority, incurred as a proximate result of the negligence of the Defendants and each of them, in an amount to be proven at trial; damages for all future loss of income, wages and job benefits incurred by Chase Vazquez as a proximate result of the negligence of the Defendants and each of

them, in an amount to be proven at trial; and such other damages as proven by the evidence admitted at trial, in an amount to be proven at trial or to be determined by the enlightened conscience of a fair and impartial jury.

WHEREFORE, Plaintiffs respectfully pray as follows:

a) That summons and process be issued requiring Defendants to be served as provided by law and requiring the Defendants to answer this Complaint;

b) PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY of all issues in this action;

c) That Plaintiffs have and recover against Defendants as joint tortfeasors, jointly and severally, in an amount to be determined by the jury, an amount in excess of \$10,000.00;

d) That this Court cast the costs of this action against Defendants; and,

e) That Plaintiffs have such other and further relief to which they may be entitled.

BENJAMIN S. WILLIAMS & ASSOC., L.L.C.

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