

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

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CIRCUIT COURT OF
ST. LOUIS COUNTY

2010 MAR -2 PM 1:33

BARBARA GRACE,)
)
Plaintiffs,)
)
vs.)
)
MID-COUNTY ORTHOPEDIC SURGERY)
AND SPORTS MEDICINE, P.C.,)
)
No Service Required-Reg. Agent: Kimball McMullin)
7 Fordyce Lane, St. Louis, MO 63124)
)
and,)
)
CREVE COUER SURGERY CENTER, LLC,)
d/b/a CITY PLACE SURGERY CENTER,)
)
No Service Required - Registered Agent:)
Richard Rames, 845 N. New Ballas Court,)
Creve Coeur, MO 63141)
)
Defendants.)

Case No. JOANITA GILMER
CIRCUIT CLERK
Div. 105L-000892
PLAINTIFF DEMANDS JURY
TRIAL

11

PETITION - MEDICAL NEGLIGENCE

COMES NOW Plaintiff BARBARA GRACE, by and through her attorneys, Alvin Wolff, Jr. & Associates, and for her claim against Defendants, states:

1. Plaintiff BARBARA GRACE is an individual who at all times relevant hereto resided in Missouri.
2. Defendant MID-COUNTY ORTHOPEDIC SURGERY AND SPORTS MEDICINE, P.C. (hereinafter referred to as "Mid County Orthopedic") is a Missouri corporation.

3. Defendant CREVE COUER SURGERY CENTER, LLC, d/b/a City Place Surgery Center (hereinafter referred to as "Surgery Center") is a Missouri limited liability corporation in good standing and doing business in St. Louis County, Missouri.

4. Mid County Orthopedic, at all times relevant herein, was the employer of David Strege, MD, an Orthopedic Surgeon who provided medical care to Plaintiff.

5. Surgery Center, at all times relevant herein, was the employer of nurses who attended to and provided medical care to Plaintiff.

6. On or about May 1, 2008, Plaintiff Barbara Grace was under the care of Defendants for **medial** left epicondylitis to her left elbow. Dr. David Strege negligently performed **lateral** left epicondylitis surgery in the absence of any **lateral** left elbow complaints.

7. Defendants failed to exercise that degree of care, skill, knowledge and learning exercised by members of their respective professions in the same or similar circumstance, as hereinafter more fully described, thereby constituting joint and several negligence and causing Plaintiff Barbara Grace to suffer, as more fully described injuries and damages, and which negligence was committed in the following respects, to-wit.

- a. Defendants Surgery Center's employees stood by and watched Dr. David Strege operate on the incorrect part of the arm when they could have prevented the error;
- b. Defendant Surgery's employees put the wrong type of surgery on the surgery schedule;
- c. Dr. David Strege operated on the wrong part of the arm when he had treated her for years and knew, or should have known, that she never had any left **lateral** elbow complaints; and,

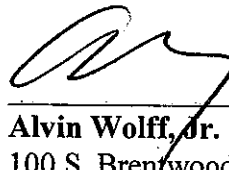
d. All Defendants failed to participate in a "time-out" before surgery.

8. As a direct and proximate cause of the joint and several negligence and carelessness of the Defendants as aforesaid, Plaintiff Barbara Grace sustained damages in the following respects to-wit: Plaintiff has suffered from and will continue to suffer from left lateral elbow pain; Plaintiff underwent various medical treatments and surgeries, suffered severe pain and emotional distress. Plaintiff will continue to suffer from pain, anxiety and depression. Plaintiff has incurred medical bills for hospitalizations, laboratory, diagnostic tests, physician care and pharmaceuticals in an amount not presently ascertainable and will in the future incur similar sums in an amount not presently ascertainable.

WHEREFORE, Plaintiff BARBARA GRACE prays for a judgment against Defendants in an amount exceeding Twenty-five Thousand Dollars (\$25,000.00) together with costs and interest.

ALVIN WOLFF, JR. & ASSOCIATES

BY:



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Attorneys for Plaintiff

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and,)	
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CREVE COUER SURGERY CENTER, LLC,)	
d/b/a CITY PLACE SURGERY CENTER,)	
)	
Defendants.)	

AFFIDAVIT OF MERIT

COMES NOW Plaintiff BARBARA GRACE, by and through her attorneys, Alvin Wolff, Jr. & Associates, and for her Affidavit of Merit states:

1. That he has an opinion from a Board Certified Orthopedic Surgeon, Dr. Galen Weiss, 4802 South State Route 159, Glen Carbon, IL 62034, who is familiar with the standard of care for a surgery center. He opines that Defendant Creve Couer Surgery Center, LLC, d/b/a City Place Surgery Center, its physicians, nurses and medical staff fell below the standard of care in treating Plaintiff Barbara Grace and that said failure caused or contributed to cause permanent, progressive and disabling injuries to her. Dr. Weiss is actively practicing medicine and is a licensed Orthopedic Surgeon in the State of Illinois.

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