

IN THE CIRCUIT COURT FOR MAURY COUNTY, TENNESSEE

BRIAN SMITH )  
and MARIE SMITH, )  
 )  
Plaintiffs, )  
 )  
vs. ) No. \_\_\_\_\_  
 )  
DEFENDANT HOSPITAL, INC. )  
d/b/a DEFENDANT Center Hospital, )  
 )  
Defendant. )

COMPLAINT

The plaintiffs, Brian and Marie Smith, for their causes of action, state to the Court as follows:

1. Brian and Marie Smith, a married couple, are residents of Columbia, Tennessee.
2. Defendant DEFENDANT Hospital, Inc. d/b/a DEFENDANT Center Hospital is a Tennessee corporation that owns and operates a hospital in Columbia, Tennessee called DEFENDANT Center Hospital.
3. On October 22, 2002, after having previously been diagnosed with diverticulitis, Brian Smith underwent surgery at DEFENDANT Center Hospital.
4. At the conclusion of the surgery, a foreign object that had been used during surgery was not removed from Mr. Smith' body.
5. Since that time, Mr. Smith has experienced severe health problems and pain due to the failure to remove the foreign object from his body. He has required additional surgery and treatment as a result, including the removal of a significant portion of his bowel. He has incurred substantial and ongoing medical bills as well.
6. The defendant, through its agents, servants, and employees (including nurses present during the October 22 surgery), violated the standard of care applicable to it in Columbia, Tennessee or similar communities in October 2002 in that it (a) failed to remove the foreign object from Mr. Smith' body before the conclusion of the surgery; (b) failed to properly count the number of foreign objects placed in and/or removed from Mr. Smith' body during surgery; (c) failed to prevent the severe health problems and pain suffered by Mr. Smith; and (d) otherwise failed to provide appropriate care for Brian Smith.

7. Brian Smith suffered severe injuries as a proximate result of the defendant's negligence.

8. Brian Smith is entitled to recover from the defendant all damages allowed under Tennessee law, including medical expenses, pain and suffering, lost enjoyment of life, lost earning capacity, and permanent injuries.

9. Marie Smith is entitled to recover from the defendant for lost companionship, affection, society, and consortium with her husband as a result of his injuries and condition.

WHEREFORE, the plaintiffs request the following relief:

1. An award of compensatory damages for Brian Smith in a reasonable amount to be determined by a jury;
2. An award of compensatory damages for Marie Smith in a reasonable amount to be determined by a jury;
3. An award of pre-judgment interest;
4. An award of discretionary costs and court costs;
5. A jury to try this cause; and
6. Such other relief as shall be deemed reasonable and necessary.

Respectfully submitted,

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Branham & Day, P.C. is surety for  
all costs in this matter.

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By: John D. Wood