

IN THE CIRCUIT COURT FOR DICKSON COUNTY, TENNESSEE

ELIZABETH NICOLE SMITH, )  
 a minor child, by next friend, )  
 ROBIN SMITH, and )  
 ROBIN SMITH, individually, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 DICKSON MEDICAL )  
 CENTER HOSPITAL, INC., )  
 PATRICIA ROBERTS, M.D., )  
 and VINCENT TERRY, M.D., )  
 )  
 Defendants. )

No. \_\_\_\_\_

JURY DEMAND

**COMPLAINT**

Plaintiffs, Elizabeth Nicole Smith, by next friend, Robin Smith, and Robin Smith, individually, for their cause of action against Defendants, Dickson Medical Center Hospital, Inc., Patricia Roberts, M.D., and Vincent Terry, M.D., respectfully state as follows:

1. Plaintiff Elizabeth Nicole Smith, a minor child, is a citizen and resident of Dickson County, Tennessee.
2. Plaintiff Robin Smith is the mother of Elizabeth Nicole Smith and a citizen and resident of Dickson County, Tennessee.
3. Defendant Patricia Roberts, M.D., is a physician and a citizen and resident of Dickson County, Tennessee.
4. Defendant Vincent Terry, M.D., is a physician and a citizen and resident of Dickson County, Tennessee.
5. Defendant Dickson Medical Center Hospital, Inc., is a Tennessee corporation that operates a hospital in Dickson, Tennessee.
6. On August 19, 2002, Elizabeth Nicole Smith underwent heart surgery at Dickson Medical Center Hospital for repair of patent ductus arteriosus. She was approximately 24 months old at that time.
7. Defendant Patricia Roberts, M.D., was the attending surgeon during the operation on Elizabeth Nicole Smith. Defendant Vincent Terry, M.D., was the anesthesiologist during the operation on Elizabeth Nicole Smith.

8. During surgery, Elizabeth Nicole Smith's pulmonary artery was cut, causing her to lose large amounts of blood. She suffered severe and permanent injuries as a direct result of the blood loss.

9. Defendant Dickson Medical Center Hospital, Inc., through its agents, servants, and employees, violated the standard of care applicable to it in Dickson, Tennessee and similar communities in August 2002 in that it (a) failed to provide a safe and properly equipped Operating Room during the surgery on Elizabeth Nicole Smith; (b) failed to provide properly qualified personnel to care for Elizabeth Nicole Smith; and (c) otherwise failed to provide appropriate medical care for Elizabeth Nicole Smith.

10. Defendant Dickson Medical Center Hospital, Inc., is vicariously liable to Plaintiffs under the theory of *respondeat superior* for the negligent acts or omissions of its agents, servants, and employees.

11. Defendant Patricia Roberts, M.D., violated the standard of care applicable to those in her profession as it existed in Dickson, Tennessee and similar communities in August 2002 in that she, inter alia, failed to properly treat Elizabeth Nicole Smith; failed to properly perform the surgery on Elizabeth Nicole Smith; failed to prevent the permanent injuries to Elizabeth Nicole Smith; and failed to obtain and administer replacement blood in a timely fashion.

12. Defendant Vincent Terry, M.D., violated the standard of care applicable to those in his profession as it existed in Dickson, Tennessee and similar communities in August 2002 in that he, inter alia, failed to properly treat Elizabeth Nicole Smith and failed to obtain and administer replacement blood in a timely fashion.

13. The negligence of defendants, and each of them, caused the injuries to Elizabeth Nicole Smith.

14. Elizabeth Nicole Smith seeks damages, by next friend, Robin Smith, for past and future: (a) pain and suffering; (b) mental anguish; (c) interference with her right to enjoy life; (d) loss of earning capacity; and (e) medical expenses.

15. Plaintiff Robin Smith, individually, has incurred medical expenses to treat her daughter's injuries. Due to the chronic nature of her daughter's injuries, Robin Smith will continue to incur medical expenses for the treatment of those injuries until Elizabeth Nicole Smith reaches the age of majority, at which time Elizabeth will incur those expenses.

WHEREFORE, Plaintiffs request the following relief:

(1) An award of compensatory damages for Elizabeth Nicole Smith, by her next friend, Robin Smith, in a fair and reasonable amount to be determined by a jury, for which each Defendant be held jointly and severally liable;

(2) An award of compensatory damages for Robin Smith, individually, in a fair and reasonable amount to be determined by a jury, for which each Defendant be held jointly and severally liable;

(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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I am surety for the costs of this  
cause not to exceed \$500.00.

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John D. Wood