

McKeen & Associates, P.C. • 645 Griswold Street, Suite 4200 • Detroit, MI 48226 • (313) 961-4400

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

PEARL NEWELL,

Plaintiff,

vs.

No. 24- -NH  
Hon.

SUMMITT WOMEN'S CENTER, an assumed  
Name of SUMMITT OF DETROIT, PC; SUMMITT  
WOMEN'S CENTER, INC., an assumed name of  
SUMMITT WOMEN'S CENTER OF DETROIT, INC;  
REGINALD D. SHARPE, DO; Jointly & Severally,

Defendants.

BRIAN J. McKEEN (P34123)  
KENNETH LEE (P75886)  
McKEEN & ASSOCIATES, P.C.  
Attorney for Plaintiff  
645 Griswold St., Suite 4200  
Detroit, MI 48226  
(313) 961-4400

**PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL**

There is no other civil action pending, or previously filed and  
dismissed, transferred, or otherwise disposed of arising out of the  
transaction or occurrence alleged in the complaint.

/S/BRIAN J. McKEEN  
BRIAN J. McKEEN (P34123)

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NOW COMES Plaintiff, PEARL NEWELL, by and through her attorneys, MCKEEN &  
ASSOCIATES, P.C., and for her Complaint and Demand for Jury Trial, hereby states the  
following:

1. The amount in controversy exceeds Twenty-Five Thousand (\$25,000.00) Dollars,  
excluding costs, interest, and attorney fees, and is otherwise within the jurisdiction of this court.
2. The cause of action arose in the County of Wayne, State of Michigan.

3. Plaintiff, PEARL NEWELL was at all times relevant a resident of the County of Erie, State of Ohio.

4. Defendant, Summitt Women's Center, an assumed name of Summit of Detroit, PC was at all times relevant hereto a health institution conducting business in the County of Wayne, State of Michigan.

5. Defendant, Summitt Women's Center, an assumed name of Summit Women's Center of Detroit, Inc. was at all times relevant hereto a health institution conducting business in the County of Wayne, State of Michigan.

6. Defendant Reginald D. Sharpe, DO was at all times relevant hereto a licensed and practicing physician, Board Certified in Obstetrics and Gynecology, conducting business in the County of Wayne, State of Michigan.

7. On August 2, 2022, 20-year-old Pearl Newell (G5P2022) at 19 5/7 weeks gestation presented to the Summit Women's Center for pregnancy termination with Reginald D. Sharpe, DO.

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8. Her preparation for the procedure was appropriate, including ripening her cervix with laminaria and misoprostol.

9. An ultrasound was done confirming gestational age.

10. The procedure was done by Dr. Sharpe under local block with sedation, including fentanyl and versed.

11. The procedure began at 1454.

12. The procedure concluded at 1525.

13. Post-operatively, Pearl was observed for a total of 35 minutes from the time the procedure ended until she was discharged to a car.

14. Prior to being discharged, Pearl had bled through her clothes and was given a gown to wear home.

15. Very shortly after discharge, Pearl continued to have heavy bleeding and had syncopal symptoms.

16. Upon presentation to the emergency department at DMC Detroit Receiving Hospital at 1721, she was hypotensive, bleeding heavily and noted to be in hemorrhagic shock.

17. Care was provided by many physicians, attendings, residents, physicians-in-training, physician assistants, nurse practitioners, and nursing staff, including, but not limited to, Diksha Ratnam, MD; and Elizabeth A. Dubey, MD.

18. At 1730, blood transfusion was started. OB/GYN was consulted, and the consult noted a "High concern for uterine perforation".

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19. At 1800, Pearl consented to surgery.

20. Once in the OR, a D&E and laparoscopy was performed.

21. The laparoscopy revealed a retroperitoneal hematoma that was not expanding, so a laparotomy was not done.

22. A cervical laceration was noted and repaired vaginally.

23. Pearl was taken to the ICU for observation.

24. The next morning, Pearl was noted to have continued bleeding and was taken to interventional radiology for a left uterine artery embolization.

25. Despite this, bleeding continued, and a Bakri balloon placed. This did not stop the bleeding, so Pearl was taken back to the OR in an attempt to salvage the uterus.

26. Despite the balloon and uterotonics, bleeding continued, so a decision was made to perform a hysterectomy.

27. A vertical skin incision was performed and found continued intra-abdominal bleeding and a hematoma lateral to the cervix.

28. There was bleeding from all surfaces consistent with DIC.

29. A massive transfusion protocol was initiated.

30. The entire left aspect of the cervix was noted to have been perforated up to the level of the lower uterine segment.

31. A total abdominal hysterectomy-bilateral salpingectomy and cystoscopy were then performed.

32. Total blood loss was 8500 cc. The pathology report indicated that there was a "ragged 6 x 2 cm. defect at 3 o'clock of the left uterine segment".

33. Pearl suffered the loss of her ability to have more children and now has a large scar on her abdomen.

34. Her quality of life has been greatly reduced.

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**COUNT I: MEDICAL NEGLIGENCE OF REGINALD SHARPE, DO**

35. Plaintiff repeats and re-alleges the allegations contained in all prior paragraphs of Plaintiff's Complaint as though fully incorporated herein.

36. Reginald Sharpe, DO was negligent, inter alia, in the following particulars, in that a licensed and practicing physician, Board Certified in Obstetrics & Gynecology, when presented with a patient exhibiting the history, signs, and symptoms such as those demonstrated by Pearl Newell, had a duty to timely and properly:

- a. Have the skill, knowledge and education to properly perform the proposed procedure;
- b. Use proper surgical technique when performing a D & E procedure;
- c. Refrain from perforating the left aspect of the cervix during performance of the D & E procedure;
- d. Properly visualize all surrounding tissue and/or organs near the surgical field with the use of continuous real time ultrasound guidance to properly identify any possible injury;
- e. Ensure that Pearl was properly monitored during the postoperative period for a time sufficient enough to rule out any intra-abdominal bleeding and/or anesthetic complications;
- f. Refrain from discharging a patient such as Pearl when she is suffering from

active bleeding;

- g. Refer the patient to and/or directly consult with an appropriate medical specialist, when the patient's condition indicates that referral and/or consultation is necessary;
- h. To guard against any additional acts of negligence identified through the discovery process.

37. Defendant Reginald Sharpe, DO did none of these things, and such acts or omissions constitute professional negligence for which the Defendant Reginald Sharpe, DO. is directly liable to Plaintiffs.

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38. At all times relevant hereto, Defendant Reginald Sharpe, DO was an employee, agent, servant, or ostensible agent of Defendant Summit Women's Center, an assumed name of Summit of Detroit, PC, therefore, Defendant Summit Women's Center, an assumed name of Summit of Detroit, PC, is vicariously liable for the negligence of Defendant Reginald Sharpe, DO pursuant to the Doctrine of Respondeat Superior and ostensible agency.

39. As a direct and proximate result of the above-listed breaches of the applicable standard of practice or care, Pearl Newell sustained significant bleeding from the D&E procedure, a perforation to her cervix causing massive hemorrhaging, hemorrhagic shock requiring blood transfusions, and ultimately, a total abdominal hysterectomy-bilateral salpingectomy and cystoscopy.

40. As a consequence of the Defendants' negligence, Plaintiff further claims all elements of damages permitted under Michigan Statutory Law, and Common Law, whether known now or whether becoming known during the pendency of this case.

WHEREFORE, Plaintiff hereby requests an award of damages against the Defendants herein, jointly and severally, in whatever amount above Twenty-Five Thousand [\$25,000.00] dollars that Plaintiff is found to be entitled to, together with costs, interest and attorney fees, as well as all other damages allowed under Michigan Law.

**COUNT II: MEDICAL NEGLIGENCE OF ANY AND ALL NURSES INVOLVED  
IN THE CARE AND TREATMENT OF PEARL NEWELL**

41. Plaintiff repeats and re-alleges the allegations contained in all prior paragraphs of Plaintiff's Complaint as though fully incorporated herein.

42. Any and all nursing staff that provided care to Pearl Newell when presented with a patient exhibiting the history, signs, and symptoms such as those demonstrated by Pearl Newell, had a duty to timely and properly:

- a. Closely monitor the patient after her procedure and recognize any abnormalities, such as abnormal bleeding;
- b. Directly communicate any and all abnormal patient findings to an appropriate physician
- c. Refrain from allowing the patient to be discharged with excessive bleeding;
- d. Follow the chain of command to ensure Pearl Newell receives safe and appropriate medical care at all times;
- e. Be a patient advocate for Pearl Newell;
- f. To guard against any additional acts of negligence identified through the discovery process.

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43. Any and all nurses did none of these things, and such acts or omissions constitute professional negligence for which any and all nursing staff that provided care to Pearl Newell are directly liable to Plaintiffs.

44. At all times relevant hereto, any and all nursing staff who provided care to Pearl Newell were employees, agents, servants, or ostensible agents of Summit Women's Center, an assumed name of Summitt of Detroit, PC, and Summit Women's Center, Inc., an assumed name of Summit Women's Center of Detroit, Inc. therefore, Defendant Summit Women's Center, an assumed name of Summit of Detroit, PC and Summit Women's Center, Inc., an assumed name of Summit Women's Center of Detroit, Inc. are vicariously liable for the negligence of any and all nursing staff pursuant to the Doctrine of Respondeat Superior and ostensible agency.

45. As a direct and proximate result of the above-listed breaches of the applicable standard of practice or care, Pearl Newell sustained significant bleeding from the D&E procedure, a perforation to her cervix causing massive hemorrhaging, hemorrhagic shock requiring blood transfusions, and ultimately, a total abdominal hysterectomy-bilateral salpingectomy and cystoscopy.

46. As a consequence of the Defendants' negligence, Plaintiff further claims all elements of damages permitted under Michigan Statutory Law, and Common Law, whether known now or whether becoming known during the pendency of this case.

WHEREFORE, Plaintiff hereby requests an award of damages against the Defendants herein, jointly and severally, in whatever amount above Twenty-Five Thousand [\$25,000.00] dollars that Plaintiff is found to be entitled to, together with costs, interest and attorney fees, as well as all other damages allowed under Michigan Law.

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**COUNT III: MEDICAL NEGLIGENCE OF SUMMIT WOMEN'S CENTER,  
an assumed name of SUMMIT OF DETROIT, PC**

47. Plaintiff repeats and re-alleges the allegations contained in all prior paragraphs of Plaintiff's Complaint as though fully incorporated herein.

48. Defendant SUMMIT WOMEN'S CENTER, an assumed name of SUMMIT OF DETROIT, PC was negligent, inter alia, in the following particulars, in that a licensed and accredited health care facility, through its agents, actual, and/or ostensible, servants, and/or employees, including, but not limited to, Reginald Sharpe, D.O. and any all nurses, when presented with a patient exhibiting the history, signs and symptoms such as those demonstrated by Pearl Newell, had a duty to:

- a. Select, employ, train and monitor its agents, actual and/or ostensible, servants, employees and/or its staff of physicians, nurses and residents, to ensure they were competent to perform adequate medical care for a patient;
- b. Ensure that appropriate policies and procedures are adopted and followed;

- c. Prevent the patient from suffering a worsening of their condition using all reasonable means;
- d. Any additional acts of negligence identified through the discovery process.

49. As a direct and proximate result of the above-listed breaches of the applicable standard of practice or care, Pearl Newell sustained significant bleeding from the D&E procedure, a perforation to her cervix causing massive hemorrhaging, hemorrhagic shock requiring blood transfusions, and ultimately, a total abdominal hysterectomy-bilateral salpingectomy and cystoscopy.

50. As a consequence of the Defendants' negligence, Plaintiff further claims all elements of damages permitted under Michigan Statutory Law, and Common Law, whether known now or whether becoming known during the pendency of this case.

WHEREFORE, Plaintiff hereby requests an award of damages against the Defendants herein, jointly and severally, in whatever amount above Twenty-Five Thousand [\$25,000.00] dollars that Plaintiff is found to be entitled to, together with costs, interest and attorney fees, as well as all other damages allowed under Michigan Law.

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**COUNT IV: MEDICAL NEGLIGENCE OF SUMMIT WOMEN'S CENTER,  
an assumed name of SUMMIT WOMEN'S CENTER OF DETROIT, INC.**

51. Plaintiff repeats and re-alleges the allegations contained in all prior paragraphs of Plaintiff's Complaint as though fully incorporated herein.

52. Defendant SUMMIT WOMEN'S CENTER, an assumed name of SUMMIT WOMEN'S CENTER OF DETROIT, INC. was negligent, inter alia, in the following particulars, in that a licensed and accredited health care facility, through its agents, actual, and/or ostensible, servants, and/or employees, including, but not limited to, Reginald Sharpe, D.O. and any and all nurses, when presented with a patient exhibiting the history, signs and symptoms such as those demonstrated by Pearl Newell, had a duty to:



- a. Select, employ, train and monitor its agents, actual and/or ostensible, servants, employees and/or its staff of physicians, nurses and residents, to ensure they were competent to perform adequate medical care for a patient;
- b. Ensure that appropriate policies and procedures are adopted and followed;
- c. Prevent the patient from suffering a worsening of their condition using all reasonable means;
- d. Any additional acts of negligence identified through the discovery process.

53. As a direct and proximate result of the above-listed breaches of the applicable standard of practice or care, Pearl Newell sustained significant bleeding from the D&E procedure, a perforation to her cervix causing massive hemorrhaging, hemorrhagic shock requiring blood transfusions, and ultimately, a total abdominal hysterectomy-bilateral salpingectomy and cystoscopy.

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54. As a consequence of the Defendants' negligence, Plaintiff further claims all elements of damages permitted under Michigan Statutory Law, and Common Law, whether known now or whether becoming known during the pendency of this case.

WHEREFORE, Plaintiff hereby requests an award of damages against the Defendants herein, jointly and severally, in whatever amount above Twenty-Five Thousand [\$25,000.00] dollars that Plaintiff is found to be entitled to, together with costs, interest and attorney fees, as well as all other damages allowed under Michigan Law

Respectfully Submitted:

McKEEN & ASSOCIATES, P.C.

/S/BRIAN J. McKEEN  
BRIAN J. McKEEN (P34123)  
KENNETH LEE (P75886)  
Attorneys for Plaintiff  
645 Griswold St., Suite 4200  
Detroit, MI 48226  
(313) 961-4400

DATED: May 6, 2024

Re: Pearl Newell

AFFIDAVIT OF MERITORIOUS CLAIM OF MICHELLE SMELTZER, RN

STATE OF PENNSYLVANIA )  
 )ss  
COUNTY OF MONTGOMERY )

I, Michelle Smeltzer, RN, by this Affidavit, state that during the relevant time period at issue in this matter, I was a licensed, practicing nurse devoting a majority of my professional time for the preceding year to Registered Nursing, and I attest to the following:

1. I have read the Notice of Intent to File a Claim in this action.
2. I have reviewed all the medical records provided to me by Plaintiff's Counsel.
3. Any and all nursing staff that provided care to Pearl Newell owed a duty to timely

and properly:

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- a. Closely monitor the patient after her procedure and recognize any abnormalities, such as abnormal bleeding;
  - b. Directly communicate any and all abnormal patient findings to an appropriate physician;
  - c. Refrain from allowing the patient to be discharged with excessive bleeding;
  - d. Follow the chain of command to ensure Pearl Newell receives safe and appropriate medical care at all times;
  - e. Be a patient advocate for Pearl Newell;
  - f. To guard against any additional acts of negligence identified through the discovery process.
4. Summit Women's Center, an assumed name of Summit of Detroit, PC, by and through their agents, actual and/or ostensible, servants, and/or employees, including, but not limited to any and all nursing staff, which hold themselves out to the public as being competent

of rendering medical services, when confronted with a patient such as Pearl Newell, owed a duty to timely and properly:

- a. Select, employ, train, and monitor its agents, actual and/or ostensible, servants, employees and/or its staff of physicians, nurses and residents, to ensure they were competent to perform adequate medical care for a patient;
- b. Ensure that appropriate policies and procedures are adopted and followed;
- c. Prevent the patient from suffering a worsening of their condition using all reasonable means;
- d. Any additional acts of negligence identified through the discovery process.

5. It is my opinion, based upon the available information, as well as my training knowledge, education, and experience in nursing that there was a failure to do those acts listed above, and such omissions constitute violations of the applicable standard of care.

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6. In order to have conformed to the standard of care, the above-named should have done those things listed in paragraphs 3 through 4, and the respective subsections above.

7. As a direct and proximate result of the above-listed breaches of the applicable standard of practice or care, it is evident that had the above-named care providers caused Pearl Newell's injuries. Their failure to provide appropriate post-operative care and monitoring resulted in preventable injury, massive hemorrhaging, and hemorrhagic shock requiring blood transfusions and a total abdominal hysterectomy-bilateral salpingectomy and cystoscopy being performed.

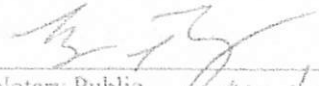
8. This opinion is based upon a review of the information to date and may or may not change upon review of additional materials.

  
MICHELLE SMELTZER, RN

Subscribed and sworn to before me on  
this 24 day of April, 2024.

4/26/2024

Commonwealth of Pennsylvania - Notary Seal  
BRIAN T. HORLEY - Notary Public  
Montgomery County  
My Commission Expires May 8, 2027  
Commission Number 1289352

  
Notary Public Montgomery [County]  
My Commission Expires: May 8 2027

**Re: Pearl Newell**

**AFFIDAVIT OF MERITORIOUS CLAIM OF ROBERT ALLEN DEIN, M.D.**

STATE OF PENNSYLVANIA            )  
  )ss.  
COUNTY OF DELAWARE            )

I, Robert Allen Dein, M.D., by this Affidavit, state that during the relevant time period at issue in this matter, I was a licensed, practicing physician devoting a majority of my professional time for the preceding year to, the clinical practice of Obstetrics and Gynecology and I attest to the following:

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1. I have read the Notice of Intent to File a Claim in this action.
2. I have reviewed all the medical records provided to me by Plaintiff's Counsel.
3. Reginald Sharpe, D.O. when evaluating and treating a patient such as Pearl Newell, owed a duty to timely and properly:
  - a. Have the skill, knowledge, and education to properly perform the proposed procedure;
  - b. Use proper surgical technique when performing a D & E procedure;
  - c. Refrain from perforating the left aspect of the cervix during performance of the D & E procedure;
  - d. Properly visualize all surrounding tissue and/or organs near the surgical field with the use of continuous real time ultrasound guidance to properly identify any possible injury;
  - e. Ensure that Pearl was properly monitored during the postoperative period for a time sufficient enough to rule-out any intra-abdominal bleeding and/or anesthetic complications;
  - f. Refrain from discharging a patient such as Pearl when she is suffering from active bleeding;
  - g. Refer the patient to and/or directly consult with an appropriate medical specialist, whenever the patient's condition indicates that referral and/or consultation is necessary;

h. To guard against any additional acts of negligence identified through the discovery process.

4. Summit Women's Center, an assumed name of Summit of Detroit, PC, a duly accredited and licensed health care institution, by and through their agents, actual and/or ostensible, servants, and/or employees, including, but not limited to Reginald Sharpe, D.O., who hold themselves out to the public as being competent of rendering medical services, when confronted with a patient such as Pearl Newell, owed a duty to timely and properly:

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- a. Select, employ, train, and monitor its agents, actual and/or ostensible, servants, employees and/or its staff of physicians, nurses and residents, to ensure they were competent to perform adequate medical care for a patient;
- b. Ensure that appropriate policies and procedures are adopted and followed;
- c. Prevent the patient from suffering a worsening of their condition using all reasonable means;
- d. Any additional acts of negligence identified through the discovery process.

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5. It is my opinion, based upon the available information, as well as my training knowledge, education, and experience in obstetrics and gynecology that there was a failure to do those acts listed above, and such omissions constitute violations of the applicable standard of care.

6. In order to have conformed to the standard of care, the above-named should have done those things listed in paragraphs 3 through 4, and the respective subsections above.

7. As a direct and proximate result of the above-listed breaches of the applicable standard of practice or care, Pearl Newell sustained significant bleeding from the D&E procedure, a perforation to her cervix causing massive hemorrhaging, hemorrhagic shock requiring blood transfusions, and ultimately, a total abdominal hysterectomy-bilateral salpingectomy and cystoscopy.

8. This opinion is based upon a review of the information to date and may or may not change upon review of additional materials.

  
ROBERT ALLEN DEIN, M.D.

Subscribed and sworn to before me on  
this 26 day of March, 2024.

Mary E Vizzard [Name]  
Notary Public Montgomery [County]  
My Commission Expires: 09/19/2025

