

Plaintiff: Tina Robichaud
426 Burgess Street
Berlin, NH 03570

- Defendants:**
- 1) David M. Cheney, M.D.
7 Page Hill Road
Berlin, NH 03570
 - 2) Christopher U. Glenney, M.D.
7 Page Hill Road
Berlin, NH 03570
 - 3) St. Luke Medical Center, P.A.
7 Page Hill Road
Berlin, NH 03570
 - 4) Androscoggin Valley Hospital
59 Page Hill Road
Berlin, NH 03570

Returnable: First Tuesday of May, 2001

Court: Coos County Superior Court

COUNT I

(Medical Negligence - David M. Cheney, M.D. and Christopher U. Glenney, M.D.)

IN A PLEA OF THE CASE for that on September 28, 1999, the plaintiff, Tina Robichaud, then 37 years of age, was admitted to Androscoggin Valley Hospital under the care of the defendants, David M. Cheney, M.D., and Christopher U. Glenney, M.D., with nausea, vomiting and abdominal pain; on September 29th, defendants Cheney and Glenney performed an exploratory laparoscopy with findings of small bowel obstruction secondary to an internal hernia; defendants proceeded to correct the plaintiff's hernia and resulting bowel obstruction in the course of the laparoscopic procedure; postoperatively, Ms. Robichaud's condition deteriorated with evidence of infection, sepsis and ultimately septic shock and multi-system organ failure resulting in emergent transfer to Dartmouth-Hitchcock Medical Center on October 2nd, where the diagnosis of bowel perforation was made; IT WAS THEN AND THERE THE DUTY of the defendants Cheney and Glenney to provide medical care in accordance with the accepted standard of reasonable professional practice among similar health care providers; YET, THE DEFENDANTS NEGLIGENTLY FAILED TO ADHERE TO SUCH STANDARD in that they, among other things, failed to timely perform surgery given Ms. Robichaud's presenting signs and symptoms; caused and/or failed to identify Ms. Robichaud's intestinal injury; failed to monitor, evaluate and treat Ms. Robichaud postoperatively; failed to return Ms. Robichaud to the operating room in light of her unexplained deterioration; and otherwise failed to meet the applicable standard of care; AS A RESULT, Ms. Robichaud suffered an unrecognized bowel injury and resulting infection, sepsis, septic shock, multi-system organ failure and injury, disability, physical pain, emotional suffering, medical, hospital and other extraordinary expenses, loss of earnings and earning capacity, loss of enjoyment of life, and other injuries and losses; ALL TO THE DAMAGE OF THE PLAINTIFF, Tina Robichaud, in an amount sufficient to compensate her for her injuries and losses, together with interest and costs, and within the jurisdictional limits of this Court.

COUNT II

(Vicarious Liability - St. Luke Medical Center, P.A.)

IN A PLEA OF THE CASE for that the plaintiff incorporates by reference each of the allegations set forth in Count I, above; at all relevant times, defendants Cheney and Glenney were agents, employees or joint venturers with defendant St. Luke Medical Center, P.A., and were acting within the scope of their agency, employment or joint venture; AS A RESULT, defendant St. Luke Medical Center, P.A., is vicariously liable for the negligence of defendants Cheney and Glenney; ALL TO THE DAMAGE OF THE PLAINTIFF, Tina Robichaud, in an amount sufficient to compensate for her injuries and losses, together with interest and costs, and within the jurisdictional limits of this Court.

COUNT III
(Negligent Credentialing - Androscoggin Valley Hospital)

IN A PLEA OF THE CASE for that the plaintiff incorporates by reference each of the allegations set forth in Counts I and II; IT WAS THEN AND THERE THE DUTY OF THE DEFENDANT, Androscoggin Valley Hospital, to exercise reasonable care to ensure that the physicians who were permitted to attend patients and perform operative procedures in its facility were qualified, competent, properly trained, and properly supervised; YET, NEVERTHELESS, DESPITE THE AFORESAID DUTIES, the defendant permitted Dr. Cheney to attend patients and perform laparoscopic operative procedures at its facility, when it knew or should have known that he was not qualified or competent to do so, when it knew or should have known that he was not properly trained to do so, and when it failed to provide him with adequate supervision to safely attend patients and conduct operative procedures; AS A DIRECT AND PROXIMATE RESULT OF THE FOREGOING BREACHES OF DUTY, Dr. Cheney was permitted to attend to and operate on Tina Robichaud at Androscoggin Valley Hospital and she suffered the effects of an unrecognized bowel injury and resulting infection, sepsis, septic shock, multi-system organ failure and injury, disability, physical pain, emotional suffering, medical, hospital and other extraordinary expenses, loss of earnings and earning capacity, loss of enjoyment of life, and other injuries and losses; ALL TO THE DAMAGE OF THE PLAINTIFF, Tina Robichaud, in an amount sufficient to compensate her for her injuries and losses, together with interest and costs, and within the jurisdictional limits of this Court.