

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

JESSICA ROSS, and TREVEON ISAAH
TAYLOR, SR.,

Plaintiffs,

v.

JACKSON L. GATES, M.D., and
GATES RAPID DIAGNOSTIC
LABORATORY OF ATLANTA,
INC. d/b/a MEDICAL DIAGNOSTIC
CHOICES,

Defendants.

CIVIL ACTION FILE NO.

COMPLAINT AND DEMAND FOR JURY TRIAL

COME NOW Plaintiffs, Jessica Ross and Treveon Isaiah Taylor, Sr., (“Plaintiffs”), and file this their Complaint for Damages and Demand for Jury Trial against Jackson Gates, M.D. and Gates Rapid Diagnostic Laboratory of Atlanta Inc., d/b/a Medical Diagnostic Choices (collectively, “Defendants”), as follows:

I. INTRODUCTION, JURISDICTION, VENUE AND PARTIES

1.

Plaintiffs Jessica Ross and Treveon Isaiah Taylor, Sr. are citizens and residents of the County of Clayton and the State of Georgia who are above the age of majority and who bring this action against Defendants for their intentional tortious conduct as set forth more fully below.

2.

This Court has subject-matter jurisdiction over this action for money damages arising from injuries proximately caused by the tortious acts of the Defendants acting in concert with one another. GA. CONST. ART. VI § 3 ¶ I.

3.

Venue is proper in this Court as at least one of the Defendants reside in FULTON County, or has in office, in Fulton County, where business is routinely transacted, and this suit is brought against the Defendants as joint tortfeasors. GA. CONST. ART. VI, § 2, ¶¶ III, IV & VI.

4.

Plaintiffs Jessica Ross and Treveon Isaiah Taylor, Sr. (“Plaintiffs”) are residents of the State of Georgia and are subject to the jurisdiction of this Court.

5.

JACKSON L. GATES, M.D. (“Dr. Gates”), at all times relevant, is a medical doctor, licensed in the State of Georgia and a resident of the State of Georgia. Dr. Gates is subject to the jurisdiction of this Court and, upon information and belief, may be served with process at 1880 Lancaster Drive, SE, Conyers, Georgia 30013.

6.

GATES RAPID DIAGNOSTIC LABORATORY OF ATLANTA, INC. d/b/a MEDICAL DIAGNOSTIC CHOICES (“MDC”) is a domestic profit corporation licensed to do business in the state of Georgia. MDC is subject to the jurisdiction of this Court because its business is transacted at 777 Cleveland Avenue, SW, Suite 100, Atlanta, GA 30315 in Fulton County.

7.

MDC may be served with process through its registered agent, Jackson Gates, M.D., at 1880 Lancaster Drive SE, Conyers, Georgia 30013.

II. FACTS

8.

Plaintiffs incorporate and re-allege paragraphs 1- 7 as though fully set forth herein.

9.

Treveon Isaiah Taylor, Jr. (“Baby Isaiah”) was deceased at the time of his delivery on July 10, 2023.

10.

The medical facts and allegations are contained in a complaint filed in Clayton County State Court as Civil Action File No. 2023CV02077 (Copy attached hereto as Ex. 1).

11.

On July 12, 2023, Jessica Ross signed a contract with Defendant Dr. Gates.

12.

The contract called for Defendant Dr. Gates to conduct a postmortem examination of Baby Isaiah in exchange for a payment of \$2500.00 from Jessica Ross.

13.

Baby Isaiah had been decapitated.

14.

The contract did not give Defendant Dr. Gates or MDC permission to release the postmortem examination, its results, photographs or video images taken during the postmortem examination to the public in any format.

15.

Defendant Dr. Gates never sought permission from plaintiffs Jessica Ross or Treveon Taylor, Sr. to video record the postmortem examination of Baby Isaiah.

16.

Plaintiffs never gave Defendant Dr. Gates permission to record or make available to the public via social media photographs or videos of the postmortem examination of Baby Isaiah.

17.

On July 14, 2023, Defendant Dr. Gates uploaded a video to his Instagram account which is identified as “dr.jgates”.

18.

This video showed in graphic and grisly detail a postmortem examination of the decapitated, severed head of Baby Isaiah.

19.

Dr. Gates subsequently removed that video, but then, on July 21, 2023, posted two more videos on Instagram from the postmortem examination of Baby Isaiah.

20.

These videos show, in graphic and grisly detail, postmortem examinations of the head and body of Baby Isaiah.

21.

The Plaintiffs were informed about the posting of these videos on social media, resulting in the Plaintiffs experiencing feelings of shock, anger, humiliation and outrage.

22.

Plaintiffs, through their attorneys, sent a “cease and desist” letter to the Defendant on August 10, 2023, directing him to immediately remove the videos from social media.

III. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS BY DEFENDANTS DR. GATES AND MDC

23.

Plaintiffs hereby incorporate and re-allege paragraphs 1-22 as though fully set forth herein.

24.

Defendant Dr. Gates intentionally recorded, then posted on social media, videos of the postmortem examination of baby Isaiah.

25.

Defendant Dr. Gates posted these videos without permission from either Jessica Ross or Treveon Isaiah Tylor, Sr.

26.

The display of these postmortem videos of baby Isaiah's brain and other organs was extreme and outrageous.

27.

Defendants knew or should have known that the public dissemination of these videos would cause the plaintiffs severe emotional distress, anxiety, shock, and embarrassment, yet he did this anyway with no regard for the emotional damage his actions would cause the Plaintiffs.

28.

As a result of Defendants' intentional, reckless conduct, the Plaintiffs have sustained, and continue to suffer from, profound emotional pain and psychological duress and damages.

29.

Under the theories of agency and vicarious liability, Defendant MDC is liable for the intentionally tortious actions of Defendant Gates.

30.

Defendant MDC, by and through its agent and/or employee, Jackson Gates, M.D., proximately caused emotional pain and psychological duress and damage to the Plaintiffs.

IV. DEFENDANTS' INVASION OF PRIVACY THROUGH INTRUSION INTO PRIVATE AFFAIRS

31.

Plaintiffs hereby incorporate and re-allege paragraphs 1-30 as though fully set forth herein.

32.

Plaintiffs never gave permission to the Defendants to record videos of the postmortem examination of Baby Isaiah.

33.

Plaintiffs never gave permission to the Defendants to distribute, via social media, videos of the postmortem examination of Baby Isaiah.

34.

The public social media release of videos of the postmortem examination of Baby Isaiah was and is embarrassing to the Plaintiffs and was damaging to the preservation of the dignity of Baby Isaiah.

35.

The Plaintiffs have endured mental and emotional pain and suffering as a result of Defendants' actions.

V. FRAUD BY DEFENDANTS

36.

Plaintiffs hereby incorporate and re-allege paragraphs 1-35 as though fully set forth herein.

37.

Georgia Statute O.C.G.A. § 51-6-1 provides for an independent civil right of action for fraud accompanied with damage.

38.

More specifically, the statute and case law establishes the following conditions that must be established to prevail in such a claim: (1) that the defendant made the representations; (2) that at the time the defendant knew the representations were false; (3) that the defendant made the representations with the intention and purpose of deceiving the plaintiff; (4) that the plaintiff reasonably relied upon such representations; and, (5) that the plaintiff sustained the alleged loss and damage as the proximate result of the representations having been made.

39.

In the present case, Dr. Gates, as a medical pathologist, had a position of trust within the community which contributed to the Plaintiffs trusting him.

40.

The Plaintiffs reasonably placed their trust in Dr. Gates to conduct a postmortem examination in a dignified manner and according to the contract they signed.

41.

Dr. Gates, through his contract with Plaintiff Jessica Ross, represented that he would perform a postmortem examination on Baby Isaiah.

42.

Dr. Gates knew at the time that he was engaged to do the autopsy on Baby Isaiah that he was not contracted to videotape the autopsy.

43.

Dr. Gates knew at the time that he was engaged to perform the autopsy on Baby Isaiah that he was not contracted to post videotapes from the autopsy.

44.

Dr. Gates knew at the time that he was engaged to do the autopsy on Baby Isaiah that he would, unbeknownst to the Plaintiffs, videotape the autopsy and display said videos on his social media platform.

45.

Dr. Gates failed to get permission to videotape and disseminate the video on social media with the intention and purpose of deceiving the Plaintiffs.

46.

The Plaintiffs reasonably relied upon such representations by Dr. Gates as reflected in the autopsy agreement, namely that Dr. Gates' services and functions would be limited by the "four corners" of the agreement.

47.

The Plaintiffs sustained profound humiliation, embarrassment, anger, outrage, anxiety and emotional trauma as the proximate results of the misrepresentations made by Dr. Gates regarding his performance of the autopsy on Baby Isaiah.

48.

Defendant Gates' Instagram page shows a history of his posting photographs and videos of his postmortem examinations of other decedents.

49.

Based on the contents of his Instagram page, Defendant Dr. Gates had every intention of videotaping the postmortem examination of Baby Isaiah but withheld this information from the Plaintiffs and never sought their permission to do such videotaping.

50.

At the time of these incidents giving rise to this litigation, Defendant Dr. Gates was an agent or employee of Defendant MDC.

51.

Under theories of agency and vicarious liability, Defendant MDC is vicariously liable for the fraudulent actions on the part of Defendant Dr. Gates.

52.

The Plaintiffs have endured mental and emotional pain and suffering as a result of Defendants' actions.

53.

The aforementioned fraud subjects the Defendants to punitive damages.

VI. DAMAGES

54.

Plaintiffs hereby incorporate and re-allege paragraphs 1-53 as though fully set forth herein.

55.

Plaintiffs have suffered, and continue to suffer, severe emotional distress, emotional pain and suffering, all because of the actions of the Defendant.

56.

Plaintiffs have a right to recover for these damages based on the enlightened conscience of an impartial jury.

57.

Plaintiffs seek punitive damages against the Defendants, as authorized in O.C.G.A. § 51-12-5.1(b), for their fraudulent acts against the Plaintiffs.

WHEREFORE, the Plaintiffs pray that:

- a) The Defendant be served as provided by law;
 - b) this action be tried by a jury;
 - c) That judgment be entered in favor of the Plaintiffs and against the Defendant in an amount in excess of \$10,000 for damages. All costs be taxed against the Defendants jointly and severally, including attorneys' fees;
 - d) That punitive damages be authorized and awarded to Plaintiffs and against the Defendants;
- and

e) The Plaintiffs have all other relief as this Court deems just and proper.

This 1st day of September 2023.

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/s/ Cory J. Lynch

Cory J. Lynch

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Co-Counsel for Plaintiffs

EXHIBIT 1

Tiki Brown
 Tiki Brown
 Clerk of State Court
 Clayton County, Georgia
 Shalonda Green

IN THE STATE COURT OF CLAYTON COUNTY
 STATE OF GEORGIA

JESSICA ROSS, TREVEON ISAAH TAYLOR,
 SR., and TREVEON ISAAH
 TAYLOR, JR.

Plaintiffs

v.

TRACEY L. ST. JULIAN, M.D.,
 PREMIER WOMENS OB/GYN, L.L.C.,
 NURSES JOHN & JANE DOES #1-6,
 PRIME HEALTHCARE SERVICES, INC. d/b/a
 SOUTHERN REGIONAL MEDICAL CENTER

Defendants

CIVIL ACTION FILE NO. 2023CV02077

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

COME NOW Plaintiffs, Jessica Ross, Treveon Isaiah Taylor, Sr., and Treveon Isaiah Taylor, Jr. (“Plaintiffs”), and file this their Complaint for Damages and Demand for Jury Trial against Tracey L. St. Julian, M.D., Premier Women’s OB/GYN, LLC, Nurses John & Jane Does #1-6 and Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center (collectively, “Defendants”), as follows:

I. INTRODUCTION, JURISDICTION AND VENUE AND PARTIES

1.

Plaintiffs Jessica Ross and Treveon Isaiah Taylor, Sr. are citizens and residents of the County of Clayton and the State of Georgia who are above the age of majority and who bring this action as surviving parents for the medical negligence suffered by Jessica Ross and for the wrongful death of their son, Treveon Isaiah Taylor, Jr.

2.

This Court has subject-matter jurisdiction over this action for money damages arising from injuries proximately caused by the tortious acts of the Defendants acting in concert with one another. GA. CONST. ART. VI § 3 ¶ I.

3.

Venue is proper in this Court as one or more of the Defendants reside in Clayton County, and this suit is brought against the Defendants as joint tortfeasors. GA. CONST. ART. VI, § 2, ¶¶ III, IV & VI.

4.

Plaintiffs Jessica Ross and Treveon Isaiah Taylor, Sr. (“Plaintiffs”) are residents of the State of Georgia and are subject to the jurisdiction of this Court.

5.

Tracey L. St. Julian, M.D. (“Dr. St. Julian”), at all times relevant, is a medical doctor, licensed in the State of Georgia and a resident of the State of Georgia. Dr. St. Julian is subject to the jurisdiction and venue of this Court and may be served with process at her residence at 970 Winged Foot Trail, Fayetteville, GA, 30215.

6.

At all times relevant to the care and treatment of Jessica Ross and Treveon Isaiah Taylor, Jr., Dr. St. Julian was an employee and/or agent and/or ostensible agent of Premier Women’s OB/GYN, L.L.C (“Premier Women’s OB/GYN”). As such, Premier Women’s OB/GYN is liable for the negligent acts or omissions of Dr. St. Julian.

7.

Defendant Premier Women's OB/GYN is a limited liability corporation licensed to do business in the State of Georgia. It may be served through its registered agent, Dr. Tracey Lynn St. Julian, at 970 Winged Foot Trail, Fayetteville, GA, 30215, Fayette County, Georgia and is subject to the jurisdiction and venue of this Court.

8.

Defendant Nurses John & Jane Does #1-6 at all times relevant, are registered nurses, nurse practitioners, physician assistants and/or licensed practical nurses licensed in the State of Georgia and residents of the State of Georgia. The actual identities and residences of Defendants John & Jane Does #1-6, at this time, are unknown to the Plaintiffs but are readily known to Defendants Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center and Tracey St. Julian, M.D. Upon information and belief, Defendant Nurses John & Jane Does #1-6 are subject to the jurisdiction and venue of this Court. They will be served with process at appropriate sites once their proper service address is known.

9.

At all times relevant to the care and treatment of Jessica Ross and Treveon Isaiah Taylor, Jr., Defendant Nurses John & Jane Does #1-6 were employees and/or agents and/or ostensible agents of Southern Regional Medical Center. As such, Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center is liable for the negligent acts or omissions of Defendant Nurses John & Jane Does #1-6.

10.

Defendant Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center is a foreign professional corporation licensed to do business in the State of Georgia. It may be served through its registered agent, Cogency Global, Inc., at 900 Old Roswell Lakes Parkway, Suite 310, Roswell, GA, 30076, and is subject to the jurisdiction and venue of this Court.

II. FACTS

11.

Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 10 of this Complaint as if fully set forth herein.

- a. On January 10, 2023, 20-year-old Ms. Jessica Ross presented to Premier Women's OB/GYN due to missing her period.
- b. She tested positive for being pregnant and had never been pregnant before.
- c. Ms. Ross was diagnosed with Type 2 Diabetes Mellitus in July of 2022, making her a high-risk pregnancy.
- d. When she discovered her pregnancy, Ms. Ross was 4 feet 9 inches tall and weighed 200 lbs.
- e. Ms. Ross consistently went to her primary obstetrical appointments throughout her pregnancy.
- f. Ms. Ross' diabetes was not optimally managed, with her blood glucose levels often running low and at times high.
- g. Ms. Ross was seen at Atlanta Perinatal Associates, maternal-fetal medicine specialists for high-risk obstetrics throughout her pregnancy.
- h. A Hemoglobin A1c test done on April 5, 2023, was 6.3%.
- i. She presented to Atlanta Perinatal Associates on June 13, 2023, for a follow-up visit.

- j. Ms. Jessica Ross and her boyfriend, Mr. Treveon Isaiah Taylor, Sr. named their son Treveon Isaiah Taylor, Jr.
- k. Ms. Ross' amniotic membrane ruptured at approximately 10:00 a.m. on July 9, 2023.
- l. She presented to the Emergency Department at Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center at 10:10 a.m. on July 9, 2023.
- m. IV Pitocin was started on July 9, 2023, at approximately 12:28 p.m., and her labor progressed.
- n. At approximately 8:40 PM, Ms. Ross was fully dilated and was instructed to begin pushing.
- o. The baby did not properly descend due to shoulder dystocia.
- p. She pushed without delivery for approximately 3 hours.
- q. Dr. Tracey St. Julian attempted to deliver the baby vaginally using different methods including applying traction to the baby's head.
- r. There is no documentation of any nurse or Dr. St. Julian activating any emergency obstetrical protocol in a timely manner after the shoulder dystocia was recognized.
- s. Upon information and belief, during a significant amount of the time that Dr. Tracey St. Julian was attempting to deliver Ms. Ross' baby vaginally in the Labor & Delivery suite and after recognition of the shoulder dystocia, Ms. Ross was not in McRobert's positioning.
- t. There is no documentation in the medical records of any nurse or other allied health professional involved in Ms. Ross' care advocating for a STAT Cesarean section to be done prior to Dr. St. Julian deciding to do a STAT Cesarean section at approximately 11:49 p.m.

- u. Fetal monitor strips show repeated and consistent Category 3 strips beginning at 9:26 p.m. with persistent late decelerations until approximately 10:36 p.m.
- v. There is no documentation of any resuscitative measures taken in response to the persistent Category 3 fetal monitor strips.
- w. Fetal monitoring strips show a 10-minute period of profound bradycardia beginning at approximately 10:36 p.m.
- x. Thereafter, there is no evidence of fetal heart tones on the fetal monitor strip.
- y. Eventually, Dr. St. Julian took Ms. Ross to an operating room and attempted a Cesarean section at approximately 11:49 pm. on July 9, 2023
- z. The baby was delivered via the Cesarean section on July 13, 2023, at approximately 12:11 a.m., with initial delivery of only the legs and the body.
 - aa. The baby was decapitated.
 - bb. The baby's head was delivered vaginally.
 - cc. Upon delivery, the entire weight of the baby was 7 lbs. 6 oz.
 - dd. The Cesarean section and proctoepisiotomy repair were completed at 3:01 a.m. on July 10, 2023.
 - ee. The Pitocin drip was discontinued at 3:01 a.m. on July 10, 2023.
 - ff. When Dr. St. Julian spoke with Ms. Ross and her family at approximately 5:00 a.m. on July 10, 2023, about the death of the baby, Dr. St. Julian did not tell them that the baby had been decapitated.
 - gg. Over the next couple of days after the death of their son, healthcare providers affiliated Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center discouraged Ms. Ross and Mr. Taylor from getting an autopsy.

- hh. Over the next couple of days after the death of their son, healthcare providers affiliated with Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center encouraged Ms. Ross and Mr. Taylor to have their son cremated instead of being sent to a funeral home for a burial of the body.
- ii. The family was told about the decapitation on July 13, 2023, after Ms. Ross had been discharged from the hospital.

III. GROSS NEGLIGENCE OF TRACEY ST. JULIAN, M.D. AND PREMIER OB/GYN ASSOCIATES, L.L.C.

12.

Paragraphs 1 through 11 of Plaintiff's Complaint are hereby re-alleged and incorporated as though fully set forth herein.

13.

The standard of care for physicians generally for patients with like and similar conditions such as Ms. Ross when she was a patient of Premier Women's OB/GYN and Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center requires that such patients be appropriately monitored and given appropriate, adequate, and timely treatment.

14.

Defendant Dr. St. Julian owed a duty to Ms. Jessica Ross and Treveon Isaiah Taylor, Jr. to provide the degree of care and skill exercised by physicians generally under the same or similar circumstances as those presented by Ms. Ross and Treveon Isaiah Taylor, Jr. on or about July 9, 2023.

15.

For purposes of this Complaint, the term "gross negligence" means: "such care as careless and inattentive persons would usually exercise under the circumstances;" "want of that diligence

which even careless men are accustomed to exercise;" and, "carelessness manifestly materially greater than want of common prudence."

16.

Defendant Dr. St. Julian failed to practice according to medical standards generally when, on or about July 9, 2023, she grossly negligently applied excessive traction on Treveon Isaiah Taylor, Jr.'s head and neck and grossly negligently failed to do a Cesarean section in a timely and proper manner, resulting in Treveon Isaiah Taylor, Jr.'s decapitation and death.

17.

Defendant Dr. St. Julian's grossly negligent use of excessive traction on Treveon Isaiah Taylor, Jr.'s head and neck and grossly negligent delay and delivery via cesarean section proximately caused Treveon Isaiah Taylor, Jr.'s decapitation and death.

18.

Under the theories of agency and vicarious liability, Premier Women's OB/GYN, LLC is liable for the grossly negligent acts and omissions of its employee and/or agent Tracey St. Julian, M.D., who cared for Ms. Jessica Ross and Treveon Isaiah Taylor, Jr. on or about July 9, 2023

19.

Premier Women's OB/GYN, LLC, by and through its agent and/or employee, Tracey St. Julian, M.D., proximately caused tremendous excessive traction on Treveon Isaiah Taylor, Jr.'s head and neck, caused a delay and improperly performed delivery via cesarean section and proximately caused Treveon Isaiah Taylor, Jr.'s decapitation and death.

20.

Pursuant to O.C.G.A. §9-11-9.1, Plaintiffs attach as Exhibit "1" and incorporated herein by reference the affidavit of Eric L. Brown, M.D., a duly qualified board-certified obstetrician and

gynecologist who is competent to testify in this matter at the time of the original complaint, specifying at least one act of negligence against Defendants Dr. Tracey St. Julian and Premier Women's OB/GYN, LLC, thus fulfilling the requirements of both O.C.G.A. §§ 9-11-9.1 and 51-1-29.5.

IV. GROSS NEGLIGENCE OF NURSES JOHN & JANE DOES #1-6 AND PRIME HEALTHCARE SERVICES, INC. d/b/a SOUTHERN REGIONAL MEDICAL CENTER

21.

Paragraphs 1 through 20 of Plaintiff's Complaint are hereby re-alleged and incorporated as though fully set forth herein.

22.

The standard of care for nurses generally for patients with like and similar conditions such as Ms. Ross when she was a patient of Defendant Nurses John & Jane Doe #1-6 at Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center on or about July 9th and 10th, 2023 requires that, once a shoulder dystocia occurs: 1) nurses ensure that Pitocin is discontinued in a timely manner; 2) nurses ensure that an obstetrical emergency protocol is activated in a timely manner (i.e., notice to the healthcare system triggering emergent notification of another obstetrical physician if available, notification of anesthesia, notification of the Neonatal Intensive Care Unit (NICU), and notification of other ancillary services, etc.); and, 3) nurses advocate for moving a patient for a STAT Cesarean section in a timely manner.

23.

Defendant Nurses John & Jane Doe #1-6 owed an independent duty to Ms. Jessica Ross and Treveon Isaiah Taylor, Jr. to provide the degree of care and skill exercised by nurses generally under the same or similar circumstances as those presented by Ms. Ross and Treveon Isaiah Taylor, Jr. on or about July 9, 2023.

24.

Defendant Nurses John & Jane Doe #1-6 failed to practice according to nursing standards generally when on or about July 9, 2023, they grossly negligently: 1) failed to ensure that Pitocin was discontinued in a timely manner; 2) failed to ensure that an obstetrical emergency protocol was activated in a timely manner (i.e., notice to the healthcare system triggering emergent notification of another obstetrical physician if available, notification of anesthesia, notification of the Neonatal Intensive Care Unit (NICU), and notification of other ancillary services, etc.); and 3) failed to advocate for moving Ms. Ross for a STAT Cesarean section in a timely manner.

25.

Defendant Nurses John & Jane Doe #1-6's grossly negligent failure to: 1) ensure that Pitocin was discontinued in a timely manner; 2) ensure that an obstetrical emergency protocol was activated in a timely manner (i.e., notice to the healthcare system triggering emergent notification of another obstetrical physician if available, notification of anesthesia, notification of the Neonatal Intensive Care Unit (NICU), and notification of other ancillary services, etc.); and, 3) advocate for moving a patient for a STAT Cesarean section in a timely manner proximately caused and or substantially contributed to causing Treveon Isaiah Taylor, Jr.'s decapitation and death.

26.

Under the theories of agency and vicarious liability, Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center is liable for the negligent acts and omissions of its employees and/or agents Defendant Nurses John & Jane Doe #1-6, who cared for Ms. Jessica Ross and Treveon Isaiah Taylor, Jr. on or about July 9, 2023

27.

Southern Regional Medical Center, by and through its agents and/or employees, Defendant Nurses John & Jane Doe #1-6, proximately caused and or substantially contributed to causing Treveon Isaiah Taylor, Jr.'s decapitation and death.

28.

Pursuant to O.C.G.A. §9-11-9.1, Plaintiffs attach as Exhibit "2" and incorporated herein by reference the affidavit of Heidi M. Shinn, R.N., a duly qualified licensed and registered nurse who specializes in Labor & Obstetrical nursing in antepartum, peripartum and postpartum obstetrical care and who is competent to testify in this matter at the time of the original complaint, specifying at least one act of negligence against Defendant Nurses Jane Doe #1-6 and Defendant Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center, thus fulfilling the requirements of both O.C.G.A. §§ 9-11-9.1 and 51-1-29.5

V. FRAUD AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS OF TRACEY ST. JULIAN, M.D., NURSES JOHN & JANE DOES #1-6 AND SOUTHERN REGIONAL MEDICAL CENTER

29.

Paragraphs 1 through 28 of Plaintiff's Complaint are hereby re-alleged and incorporated as though fully set forth herein.

30.

Georgia Statute O.C.G.A. 51-6-1 provides for an independent civil right of action for fraud accompanied with damage.

31.

More specifically, the statute and case law establishes the following conditions that must be established to prevail in such a claim: (1) that the defendant made the representations; (2) that at the time the defendant knew the representations were false; (3) that the defendant made the representations with the intention and purpose of deceiving the plaintiff; (4) that the plaintiff reasonably relied upon such representations; and, (5) that the plaintiff sustained the alleged loss and damage as the proximate result of the representations having been made.

32.

In this case, Dr. St. Julian knowingly and purposefully failed to tell Ms. Ross, Mr. Taylor and their family about the decapitation during her first discussion with them about the circumstances of Treveon Isaiah Taylor, Jr.'s death at approximately 5:00 a.m. on July 10, 2023.

33.

During this conversation at approximately 5:00 a.m. on July 10, 2023, Dr. St. Julian knew that what she communicated with Ms. Ross, Mr. Taylor and their family was false. More specifically, she knew that she purposely did not tell them that the baby had been decapitated.

34.

Dr. St. Julian's conversation, where she purposefully failed to tell Ms. Ross, Mr. Taylor and the family about the decapitation, was made with the intention of deceiving the Plaintiffs.

35.

The Plaintiffs, Ms. Ross and Mr. Taylor, relied upon Dr. St. Julian's representations that there was trauma during the delivery, without any notion of their baby being decapitated.

36.

When Ms. Ross and Mr. Taylor eventually discovered the details about their son's delivery and death, namely that he was decapitated, this caused immediate, profound emotional and mental anguish for Ms. Ross and Mr. Taylor...emotional and mental anguish that they continue to experience and most probably will experience for the rest of their lives.

37.

Healthcare providers at Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center and Premier Women's OB/GYN, LLC nefariously discouraged Ms. Ross and Mr. Taylor from getting an independent autopsy.

38.

More specifically, Ms. Ross and Mr. Taylor were purposefully dissuaded by employees and/or agents of Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center and Premier Women's OB/GYN, LLC from getting an autopsy on Treveon Isaiah Taylor, Jr.

39.

Mr. Ross and Mr. Taylor were fraudulently instructed that an autopsy on their son, Treveon Isaiah Taylor, Jr. was not needed and was not warranted under the circumstances.

40.

This was a lie.

41.

Deaths under circumstances such as the death of Treveon Isaiah Taylor, Jr. are always referred to the Clayton County Medical Examiner's office for autopsy.

42.

Healthcare providers at Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center and Premier Women's OB/GYN, LLC nefariously encouraged Ms. Ross and Mr. Taylor to have their son, Treveon Isaiah Taylor, Jr., cremated before autopsy.

43.

This encouragement by healthcare providers at Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center and Premier Women's OB/GYN, LLC was an attempt by them to, through fraud and misrepresentation, destroy evidence.

44.

The aforementioned fraud subjects Defendants Dr. Tracey St. Julian, Premier Women's OB/GYN, LLC, Nurses John & Jane Does #1-6 and Prime Healthcare Services, Inc. d/b/a Southern Regional Medical Center to punitive damages.

DAMAGES**45.**

Paragraphs 1 through 44 of Plaintiffs' Complaint are hereby re-alleged and incorporated as though fully set out herein.

46.

As a direct and proximate cause of Defendants' gross negligence, Trevion Isaiah Taylor, Jr.'s attempted vaginal delivery on July 9, 2023, was excruciating and traumatic. Treveon Isaiah Jr. suffered tremendous pain and suffering as Dr. St. Julian applied tremendously excessive tension traction on his head and neck...such tension and traction that it resulted in massive blunt force

trauma to his head and neck, multiple skull and facial bone fractures, hemorrhaging on his brain, hemorrhaging in his neck and around his spinal cord, multiple fractures of the bones in his neck...all ultimately resulted in his decapitation.

47.

As a direct and proximate cause of Defendants' negligence, Ms. Jessica Ross experienced and continues to experience tremendous mental and physical anguish and trauma. More specifically, she was awake while Dr. St. Julian was pulling on her baby's head and neck. She was awake and aware when it was clear that her child's life was in danger due to shoulder dystocia. She has been profoundly mentally and emotionally traumatized in knowing that her baby was battered during the attempted vaginal delivery and ultimately was decapitated.

48.

For Treveon Isaiah Taylor, Jr.'s wrongful death, Plaintiffs are entitled to recover damages for the full value of his life, economic and non-economic, including but not limited to loss of earnings and loss of enjoyment of life.

49.

Treveon Isaiah Taylor, Jr.'s estate is entitled to recover damages for his conscious physical and mental pain and suffering as a result of Defendants' gross negligence.

50.

Jessica Ross is entitled to recover damages for her profound conscious physical, mental and emotional pain and suffering as a result of Defendants' gross negligence.

51.

As a result of the abject fraud and misrepresentation on the part of the Defendants, Plaintiffs are entitled to recover punitive damages in an amount that is determined by the enlightened conscience of a jury.

52.

Plaintiffs also are entitled to recover for their son Treveon Isaiah Taylor, Jr.'s funeral and burial costs and expenses.

WHEREFORE, the Plaintiffs pray that:

- a) The Defendants be served as provided by law;
- b) this action be tried by a jury;
- c) That judgment be entered in favor of the Plaintiffs and against the Defendants jointly and severally, in an amount in excess of \$10,000 for damages. All costs be taxed against the Defendants jointly and severally, including attorneys' fees; and
- d) The Plaintiffs have all other relief as this Court deems just and proper.

This 9th day of August 2023

/s/ Roderick Edmond
Roderick E. Edmond
Georgia Bar No. 239618
Keith L. Lindsay
Georgia Bar No. 452995

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STATE OF GEORGIA

COUNTY OF FULTON

AFFIDAVIT OF ERIC L. BROWN, M.D.

ERIC L. BROWN, M.D., having appeared before the duly authorized and attesting officer and after having been sworn deposes and states the following:

1.

I am Eric L. Brown, M.D.

2.

I am of the age of majority, and I suffer no disability that would preclude me from giving testimony in this matter.

3.

I am a board-certified obstetrician and gynecologist licensed to practice in the State of Georgia.

4.

I am a medical doctor, duly licensed to practice medicine in the State of Georgia. I graduated from Morehouse College in Atlanta, GA and received my Doctor of Medicine in 1989 from Meharry Medical College in Nashville, TN. I completed an internship in 1991 at University of Chicago Hospital in Chicago, IL and completed my residency in Obstetrics and Gynecology in 1993 at Mount Sinai Medical Center in Chicago, IL.

From 1996 until the present, I have been the Medical Director of Gyn-Care Women's Health Center in Atlanta, GA.

In medical school I earned admission into, Alpha Omega Alpha, the nationally recognized honor society for American medical schools. I am a Diplomate of the American Board of

Obstetricians and Gynecologists and a Fellow of the American College of Obstetricians and Gynecologists. I am also a member of the American Academy of Cosmetic Surgeons. I have served in a number of clinical capacities during my years as an obstetrician.

I have continuously practiced and taught in the field of clinical obstetrics and gynecology since 1994 and for at least 3 of the 5 years prior to the date of the events that are the subject of this affidavit. It is by virtue of this education and professional experience that I am familiar with the standard of care applicable to physicians in circumstances similar to those existent when Jessica Ross was treated at Premier Women's OB/GYN, LLC, Atlanta Perinatal Associates and at Southern Regional Medical Center (SRMC) from on or about January 2023 until on or about mid-July, 2023. Attached to this affidavit and incorporated herein is my current Curriculum Vitae (Exhibit "A") which further sets forth my education, professional accomplishments, and experience.

5.

I am aware that this affidavit is being given for use in support of the allegations in a medical negligence case on behalf of Jessica Ross, Treveon Isaiah Taylor, Sr. and Treveon Isaiah Taylor, Jr.

6.

This Affidavit is based on my personal knowledge obtained through my education, training and experience as an obstetrician and gynecologist, and upon my review of the following documents and medical records pertaining to the care and treatment of Jessica Ross which are true and correct to the best of my knowledge and belief:

- a. Medical Records from Premier Women's OB/GYN, LLC;
- b. Medical Records from Atlanta Perinatology Associates;

- c. Medical Records from Southern Regional Medical Center;
- d. Videotapes of the attempted delivery on July 9, 2023; and
- e. Audio from a meeting with Dr. Tracey St. Julius and Ms. Ross' family.

7.

From the above-described documents, medical records, and information, I assume the following facts to be true:

- a. On January 10, 2023, 20-year-old Ms. Jessica Ross presented to Premier Women's OB/GYN due to missing her period.
- b. She tested positive for being pregnant and had never been pregnant before.
- c. Ms. Ross was diagnosed with Type 2 Diabetes Mellitus in July of 2022, making her a high-risk pregnancy.
- d. When she discovered her pregnancy, Ms. Ross was 4 feet 9 inches tall and weighed 200 lbs.
- e. Ms. Ross consistently went to her primary obstetrical appointments throughout her pregnancy.
- f. Ms. Ross' diabetes was not optimally managed, with her blood glucose levels often running low and at times high.
- g. Ms. Ross was seen at Atlanta Perinatal Associates, maternal-fetal medicine specialists for high-risk obstetrics throughout her pregnancy.
- h. A Hemoglobin A1c test done on April 5, 2023, was 6.3%.
- i. She presented to Atlanta Perinatal Associates on June 13, 2023, for a follow-up visit.
- j. Ms. Jessica Ross and her boyfriend, Mr. Treveon Isaiah Taylor, Sr. named their son Treveon Isaiah Taylor, Jr.

- k. Ms. Ross' amniotic membrane ruptured at approximately 10:00 a.m. on July 9, 2023.
- l. She presented to the Emergency Department at Southern Regional Medical Center at 10:10 a.m. on July 9, 2023.
- m. IV Pitocin was started on July 9, 2023 at approximately 12:28 p.m., and her labor progressed.
- n. At approximately 8:40 PM, Ms. Ross was fully dilated and was instructed to begin pushing.
- o. Ms. Ross pushed without delivery for approximately 3 hours.
- p. There was a shoulder dystocia.
- q. She became exhausted during pushing and "begged Dr. St. Julian" to perform a Cesarean section.
- r. Dr. St. Julian did not honor the wishes of Ms. Ross to have a Cesarean section nor document that she explained the risks of proceeding with an attempt at a vaginal delivery.
- s. Dr. Tracey St. Julian attempted to deliver the baby vaginally using different methods including using a vacuum device to deliver the baby's head (not documented) and applying excessive traction to the baby's head.
- t. There is no documentation of any nurse or Dr. St. Julian attempting to alert the in-house obstetrical hospitalist in a timely manner after the shoulder dystocia was recognized and prior to that hospitalist being called in to help with the repair of the procto-episiotomy after the baby was already decapitated and dead.
- u. There is no documentation of any nurse or Dr. St. Julian activating any emergency obstetrical protocol (i.e. notice to the healthcare system triggering emergent notification of

anesthesia, notification of the Neonatal Intensive Care Unit (NICU), and notification of other ancillary services, etc.) in a timely manner after the shoulder dystocia was recognized.

v. There is no documentation of any nurse or Dr. St. Julian activating any emergency obstetrical protocol in a timely manner after the shoulder dystocia was recognized.

w. Upon information and belief, during a significant amount of the time that Dr. Tracey St. Julian was attempting to deliver Ms. Ross' baby vaginally in the Labor & Delivery suite and after recognition of the shoulder dystocia, that Dr. St Julian did not correctly perform the standard techniques and maneuvers used to alleviate a shoulder dystocia.

x. There is no documentation in the medical records of any nurse or other allied health professional involved in Ms. Ross' care advocating for a STAT Cesarean section to be done prior to Dr. St. Julian deciding to do a STAT Cesarean section at approximately 11:49 p.m.

y. Fetal monitor strips show repeated and consistent Category 3 strips beginning at 9:26 p.m. with persistent late decelerations until approximately 10:36 p.m.

z. There is no documentation of any resuscitative measures taken in response to the persistent Category 3 fetal monitor strips.

aa. Fetal monitoring strips show a 10-minute period of profound bradycardia beginning at approximately 10:36 p.m.

bb. Thereafter, there is no evidence of fetal heart tones on the fetal monitor strip.

cc. Eventually, Dr. St. Julian took Ms. Ross to an operating room and attempted a Cesarean section at approximately 11:49 pm. on July 9, 2023

dd. The baby was delivered via the Cesarean section on July 13, 2023 at approximately 12:11 a.m., with initial delivery of only the legs and the body.

ee. The baby was decapitated.

- ff. The baby's head was delivered vaginally.
- gg. Upon delivery, the entire weight of the baby was 7 lbs. 6 oz.
- hh. The Cesarean section and procto-episiotomy repair were completed at 3:01 a.m. on July 10, 2023.
- ii. When Dr. St. Julian spoke with Ms. Ross and her family at approximately 5:00 a.m. on July 10, 2023 about the death of the baby, Dr. St. Julian did not tell them that the baby had been decapitated.
- jj. The family was told about the decapitation on July 13, 2023, after Ms. Ross had been discharged from the hospital.
- kk. Upon information and believe, "gross negligence," as used in this document, is: "such care as careless and inattentive persons would usually exercise under the circumstances;" "want of that diligence which even careless men are accustomed to exercise;" and "carelessness manifestly materially greater than want of common prudence."

OPINIONS

8.

I am familiar with the standard of care of physicians generally in instances such as those existent when Jessica Ross was a patient under the care of Dr. Tracey St. Julian and Premier Women's OB/GYN from on or about January 2023 until on or about mid-July 2023.

9.

I am familiar with the standard of care for physicians generally in instances such as those existent when Jessica Ross was a patient under the care of Southern Regional Medical Center and health care providers working at SRMC from July 9th through July 12th, 2023.

10.

The standard of care for physicians generally for patients with like and similar conditions such as Ms. Ross when she was a patient of Premier Women's OB/GYN and SRMC requires that such patients be appropriately monitored and given appropriate, adequate, and timely treatment.

11.

It is my opinion to a reasonable degree of medical probability that Tracey St. Julian, M.D. owed a duty to Ms. Jessica Ross and to Treveon Isaiah Taylor, Jr. to provide the degree of care and skill exercised by physicians, generally under the same or similar circumstances as those presented by Ms. Ross and Treveon Isaiah Taylor, Jr. on or about July 9, 2023.

12.

It is my opinion to a reasonable degree of medical probability that Tracey St. Julian, M.D. was grossly negligent and failed to practice according to medical standards generally when on or about July 9, 2023, she applied a vacuum and excessive traction on Treveon Isaiah Taylor, Jr.'s head and neck, and did not perform the standard techniques, maneuvers, and protocols correctly once a shoulder dystocia was diagnosed, and also failed to do a Cesarean section in a timely and proper manner, resulting in Treveon Isaiah Taylor, Jr.'s decapitation and death.

13.

Under the theories of agency and vicarious liability, it is my opinion to a reasonable degree of medical probability that Premier Women's OB/GYN is liable for the grossly negligent acts and omissions of its employee and/or agent Tracey St. Julian, M.D. , who cared for Ms. Jessica Ross and Treveon Isaiah Taylor, Jr. on or about July 9, 2023.

14.

It is my opinion to a reasonable degree of medical probability that the gross negligence of Premier Women's OB/GYN, LLC, by and through its agent and/or employee, Tracey St. Julian,

M.D., proximately caused excessive traction on Treveon Isaiah Taylor, Jr.'s head and neck and resulting grossly negligent failure of Dr. St. Julian to perform the standard techniques, maneuvers, and protocols correctly. once a shoulder dystocia was diagnosed, and also caused a delay in his delivery via cesarean section, resulting in Treveon Isaiah Taylor, Jr. 's decapitation and death.

15.

This affidavit is given for the purpose of specifying at least one act or omission of negligence by the named defendant physician in a medical malpractice case as required by O.C.G.A. § 9-11-9.1 and does not include all my opinions relative to this matter. I reserve the right to amend this affidavit should additional information come to my attention.

AFFIANT FURTHER SAYETH NOT.

ERIC L. BROWN, M.D.

[Handwritten signature of Eric L. Brown, M.D.]

Sworn to and subscribed before me

This 7th day of August 7, 2023

Sean Alexander McCook
Notary Public
My commission expires: 08/21/23



Eric L. Brown, MD

2635 South Cobb Drive
Smyrna, GA. 30080
atleb@gyn-care.com

Telephone: (770)-265-5787

Curriculum Vitae

Occupation

Board Certified Obstetrician and Gynecologist in a private group practice with an academic affiliation at Emory University. Special practice interests include Family Planning Services and consulting, Latina medicine, Medical-Legal Consultation, and DaVinci Robotic Surgery. Dr. Brown sincerely believes that all women should receive excellent healthcare regardless of their race, nationality, socio-economic status, or their ability to pay. He also has volunteered his services as an International Family Planning consultant, collaborating in several Caribbean countries including Jamaica and the Dominican Republic. Working with Island Impact Ministries Dr. Brown provided financing for pregnancy services and Family Planning Supplies, services, and staff for their clinic in Puerto Plata, DR for nearly a decade.

Dr. Brown has had extensive training and experience in both basic science and clinical research starting as a Med-Scholar and UMARC recipient during his undergraduate studies at Morehouse College followed by his matriculation as an MD/PhD candidate at Meharry Medical College. While in medical school he simultaneously completed both his medical and PhD didactic studies along with working in basic science and clinical labs around the country. Dr. Brown has used this training to successfully procure and complete clinical studies with multiple pharmaceutical companies. Dr. Brown has served as both Principal Investigator and site Medical Director for his CRO Medi-sense, Inc. while conducting the Pharmaceutical clinical trials.

Dr Brown is also an astute businessman and successful entrepreneur having founded and directed several companies and business ventures. These include: Gyn-care, Inc., Medi-sense, Inc., Medi-Sense Clinical Research, Medi-Sense Medico-Legal Consultants, El Centro Medico de La Mama Latin Clinics, My-IUD.COM and My-IUDSupply.com.

Professional Credentials

Diplomate of the American Board of Obstetricians and Gynecologists
Fellow of the American College of Obstetricians and Gynecologists
Certified DaVinci Robotic Surgeon by Intuit Corporation
Member American Academy of Cosmetic Surgeons
Licensed Physician and Surgeon - State of Georgia
GCP certified for clinical research.
Principle Research Investigator for clinical research

Professional Experience

06/1996-Present Medical Director of Gyn-Care Women's Health Center
01/2000-Present President & CEO Medi-sense, Inc. Medical Legal Consultants
01/2000-Present President & Medical Director Medi-Sense, Inc. Clinical Research Organization
02/2013-Present Principal Investigator for multiple Pharmaceutical Clinical Trials
04/2020-Present Adjunct Clinical Assistant Professor Morehouse School of Medicine
01/2000-07/2012 President & Medical Director El Centro Medico de la Mama Clinics
02/2002-Present Site Director of Cobb County (GA) Latina pregnancy "Green Plan" program
06/2002-Present Chief Surgeon for the State of Georgia DCH Sterilization Program
02/2003-07/2017 Medical Director for Cobb Pregnancy Services
11/1994-06/1997 West End Medical Ctr. OB/GYN Group Physician - Atlanta,

Education

Undergraduate: Morehouse College - Atlanta, GA (08/1981-06/1985)
 Degree- Bachelor of Science in Biology
 UMARC Research Scholarship Recipient
 Ranked #1 Graduate in Biology-Pre MEd

Medical School: Meharry Medical College - Nashville, TN (06/1/1985-05/30/1989)
 Degree- M.D. (MD/PhD candidate)

Internship/Residency: University of Chicago Hospitals - Chicago, IL (07/1989-06/1991)

Residency: Mount Sinai Medical Ctr. - Chicago, IL (07/1991-06/1993)

Academic Experience

07/1994-present OB/GYN member of Emory Univ./Crawford Long Hospital staff
 01/2019-present Adjunct Clinical Professor Morehouse School of Medicine
 01/1994 OB/GYN Clinical Preceptor - Morehouse School of Medicine
 01/1994 OB/GYN Clinical Preceptor - Georgia State Univ. School of Nurse Practitioners
 07/1987 National Medical Board Review Instructor - Meharry Medical College
 07/1985 MCAT Review Instructor - Stanley Kaplan Educational Services
 01/1985 Biology Lab Instructor and Tutor - Morehouse College

Awards and Honors

Alpha Omega Alpha Medical Honor Society
 Beta Kappa Chi Scientific Honor Society
 Who's Who among U.S. Colleges and Universities
 Medical Scholars MD/PhD Research Scholarship Award Recipient
 Drew-Just Award: Top Biology Student Award Morehouse college

Administrative/Leadership Experience

President/CEO My-IUD, LLC Contraceptive Telemedicine and Distribution Company
 Medical Director/CEO Gyn-Care Women's Health Center (1996-present)
 Medical Director/CEO Medi-sense, Inc. (Research/Consulting/Medical/Legal)
 Medical Director / CEO El Centro Medico de la Mama (2000-2013)
 Medical Director of Cobb Pregnancy Services (2002-2012)
 Site Director of Cobb County (GA) Latina pregnancy "Green Plan" program
 Administrator and Chief Surgeon for the State of Georgia Sterilization Program
 Director of Quality Assurance Committee for West End Medical Centers, Inc. (1996)
 National Chairman of the Board of Directors of the Student National Medical Association (1988)
 Medical Student Representative to the American Association of Medical Colleges (1987)
 Regional Director for the Student National Medical Center (1986)
 Class Vice-President - Morehouse College (1981)

CME / Advanced Training

2015-Present (Annual American Board of OB/Gyn MOC Board Certification Modules)
 2013- GCP Research Training
 2012- Certified DaVinci Robotic Surgeon by Intuit Corp.
 2007- Accreditation by the American Academy of Cosmetic Surgeons
 2007 – Live and Cadaver Workshop training in Cosmetic Breast surgery
 2006 - Advanced Training in Liposuction (Pelosi)
 1996 - Advanced Techniques in Clinical Ultrasound: Univ. of Arizona
 1995 - Seminars in Medical/Legal Issues in Medicine: SUNY
 1994 - Urogynecology Training and Review Course: ACOG
 1994 - Advanced Training Course in Vaginal and Pelvic Surgery: Vanderbilt Univ.
 1993 - Advanced Laparoscopy Training Course: ACOG
 1992 - Laparoscopic Hysterectomy Clinical Preceptorship: Dr. Harrith Hasson (Grant Hospital)

Research Experience (Basic Sciences)

2013 - Present: Principal Investigator for Pharmaceutical Clinical Trials Medi-sense, Inc.
 2013 – Present: Medical Director Medi-sense Inc. Research Division
 1995 - Mount Sinai Medical Ctr. - Dr. Robert Stepto: HIV in Pregnancy Clinical Research
 1987 - Meharry Medical College - Dr. William Stones: Biochemistry of Antioxidants
 1986 - Meharry Medical College - Dr. P.J. Patel: Neurophysiology
 1985 - Illinois Psychiatric Institute - Dr. G. Pandi: Neuroreceptor Physiology
 1984 - Atlanta University - Dr. J.K. Haynes: Microbiology - Sickle Cell Research

Clinical Studies and Trials Experience (Conducted as PI and MediSense CRO)**SPONSOR/PROTOCOL/STUDY TITLE****20 Jun 2016****Sponsor:** Asteroid**Protocol:** Bayer Study 16953, Asteroid 6**Study Title:** An Open-Label, Parallel-Group, Randomized, Multicenter Study to Assess the Safety and Efficacy of Vilaprisan in Subjects with Uterine Fibroids Versus Standard of Care.**06 Jul 2017****Sponsor:** Myovant Sciences GmbH**Protocol:** MVT-601-3001**Study Title:** LIBERTY 1: An International Phase 3 Randomized, Double-Blind, Placebo-Controlled Efficacy and Safety Study to Evaluate Relugolix Co-Administered with and without Low-Dose Estradiol and Norethindrone Acetate in Women with Heavy Menstrual Bleeding Associated with Uterine Fibroids.**13 Feb 2018****Sponsor:** Asteroid 3**Protocol:** Bayer Study 15787, Asteroid 3**Study Title:** Assess Safety and Efficacy of Vilaprisan in Subjects with Uterine Fibroids**01 Mar 2018**

Sponsor: Myovant Sciences GmbH

Protocol: MVT-601-3003

Study Title: **LIBERTY EXTENSION:** An International Phase 3 Open-Label, Single-Arm, Long-Term Efficacy and Safety Extension Study to Evaluate Relugolix Co-Administered with Low-Dose Estradiol and Norethindrone Acetate in Women with Heavy Menstrual Bleeding Associated with Uterine Fibroids.

02 May 2018

Sponsor: AbbVie

Protocol: AbbVie Elagolix (ABT-620) M16-283

Study Title: A Phase 3b Study to Evaluate the Long-Term Safety and Efficacy of Elagolix in Combination with Estradiol/Norethindrone Acetate for the Management of Heavy Menstrual Bleeding Associated with Uterine Fibroids in Premenopausal Women

16 Aug 2018

Sponsor: Myovant Sciences GmbH

Protocol: MVT-601-3103

Study Title: **SPIRIT Extension:** An International Phase 3 Open-Label Single-Arm, Safety and Efficacy Extension Study to Evaluate Relugolix Co-Administered with Low-Dose Estradiol and Norethindrone Acetate in Women with Endometriosis-Associated Pain.

29 Jan 2020

Sponsor: Mitsubishi Tanabe Pharma Development

Protocol: MT-2990

Study Title: A Phase 2, Randomized, Doubled-Blind, Placebo-Controlled Study to Assess the Safety and Efficacy of MT-2990 in Women with Endometriosis Experiencing Endometrial Related Pain.

05 Feb 2020

Sponsor: AbbVie

Protocol: AbbVie M16-824

Study Title: AbbVie, Inc/A Phase 4 Study to Evaluate the Safety and Efficacy of Elagolix for the Management of Heavy Menstrual Bleeding Associated with Uterine Fibroids in Premenopausal Women

30 Aug 2020

Sponsor: AbbVie

Protocol: AbbVie Elagolix (ABT-620) M12-817

Study Title: A Phase 3 Study to Evaluate the Efficacy and Safety of Elagolix in Combination with Estradiol/Norethindrone Acetate for the Management of Heavy Menstrual Bleeding Associated with Uterine Fibroids in Premenopausal Women.

23 Mar 2021

Sponsor: Schumann Study

Protocol: Bayer Study 20584

Study Title: A Randomized, Double-Blind, Open for Active Comparator, Parallel-Group, Multicenter Phase 2b Study to Assess the Efficacy and Safety of Three Different Doses of P2X3 Antagonist (BAY 1817080) Versus placebo and Elagolix 150 mg in Women with Symptomatic Endometriosis.

Nov 2021

Sponsor: Bayer Consumer Care AG

Protocol: 21652 (OASIS 2)

Study Title: A Double-Blind, Randomized, Placebo-Controlled Multicenter Study to Investigate Efficacy and Safety of Elinzanetant for the Treatment of Vasomotor Symptoms over 26 Weeks in Postmenopausal Women.

Sept 2021

Sponsor: Myovant Sciences

Protocol: MVT-601-050

Study Title: A Phase 3, Single-Arm, Open-Label Study to Evaluate the Safety and Contraceptive Efficacy of Relugolix Combination Therapy in Women with Uterine Fibroids or Endometriosis Who Are 18 to 50 Years of Age and at Risk for Pregnancy

May 2022

Sponsor: Cooper Surgical Science

Protocol: 254518_CSIPD-001 Protocol 4.0

Study Title: A Post-Marketing, Prospective, Multi-Center, Single Arm, Open Label Clinical Study to Evaluate the Safety of a New Inserter Design for Paragard® T380A Intrauterine Copper Contraceptive

STATE OF OHIO

COUNTY OF DELAWARE

AFFIDAVIT OF HEIDI M. SHINN, R.N.

Before the undersigned officer duly authorized to administer oaths, personally appeared Heidi M. Shinn, R.N., who, being duly sworn, states under oath as follows:

1.

I am of the age of majority and suffer no disability that would preclude me from giving testimony in this matter.

2.

I am a certified registered professional nurse, licensed to practice nursing in the State of Ohio. In 2000 I graduated from Medical College of Ohio/University of Toledo with a Bachelor of Science in Nursing. From July 2000 through January 2003, I worked as a registered Staff Nurse in the Medical/Surgical Unit at The Ohio State University Hospital. In addition, since January 2003, I have been a registered Staff Nurse in the Labor and Delivery unit at The Ohio State University Hospital.

3.

From 2003 through the present date, I have been practicing professional nursing, specializing in managing obstetrical patients in antepartum, labor and delivery and postpartum units at The Ohio State University Hospital. From 2003 through the present date and during at least three (3) of the last five (5) years preceding the acts or omissions at issue, I have been in the active practice of professional nursing in labor and delivery, and I have been involved in managing patients with shoulder dystocia similar to the circumstances that existed in the attempted vaginal delivery of Jessica Ross' baby on July 9, 2023. I have knowledge of the standard of care of the nurses who are defendants, herein, under the circumstances at issue.

4.

A copy of my Curriculum Vitae is attached hereto as Exhibit "A"

5.

I am aware that this affidavit is being given for use in support of the allegations in a medical negligence case on behalf of Jessica Ross and Treveon Isaiah Taylor, Sr. and Treveon Isaiah Taylor, Jr.

6.

This affidavit is based on my personal knowledge obtained through my education, training, and experience as a nurse with experience and expertise in the area of obstetrician and gynecologist, namely antepartum, peripartum and postpartum care, and upon my review of the following documents and medical records pertaining to the care and treatment of Jessica Ross which are true and correct to the best of my knowledge and belief:

- (a) Medical Records from Premier Women's OB/GYN, LLC;
- (b) Medical Records from Atlanta Perinatology Associates;
- (c) Medical Records from Southern Regional Medical Center; and
- (d) Videotapes of the attempted delivery on July 9, 2023.

7.

From the above-described documents, medical records, and information, I assume the following facts to be true:

- a. On January 10, 2023, 20-year-old Ms. Jessica Ross presented to Premier Women's OB/GYN due to missing her period.
- b. She tested positive for being pregnant and had never been pregnant before.
- c. Ms. Ross was diagnosed with Type 2 Diabetes Mellitus in July of 2022, making her a high-risk pregnancy.

- d. When she discovered her pregnancy, Ms. Ross was 4 feet 9 inches tall and weighed 200 lbs.
- e. Ms. Ross consistently went to her primary obstetrical appointments throughout her pregnancy.
- f. Ms. Ross' diabetes was not optimally managed, with her blood glucose levels often running low and at times high.
- g. Ms. Ross was seen at Atlanta Perinatal Associates, maternal-fetal medicine specialists for high-risk obstetrics throughout her pregnancy.
- h. A Hemoglobin A1c test done on April 5, 2023, was 6.3%.
- i. She presented to Atlanta Perinatal Associates on June 13, 2023, for a follow-up visit.
- j. Ms. Ross' amniotic membrane ruptured at approximately 10:00 a.m. on July 9, 2023.
- k. She presented to the Emergency Department at Southern Regional Medical Center at 10:10 a.m. on July 9, 2023.
- l. IV Pitocin was started on July 9, 2023 at approximately 12:28 p.m., and her labor progressed.
- m. At approximately 8:40 PM, Ms. Ross was fully dilated and was instructed to begin pushing.
- n. The baby did not properly descend due to shoulder dystocia.
- o. She pushed without delivery for approximately 3 hours.
- p. Dr. Tracey St. Julian attempted to deliver the baby vaginally using different methods including applying traction to the baby's head.
- q. There is no documentation of any nurse or Dr. St. Julian activating any emergency obstetrical protocol in a timely manner after the shoulder dystocia was recognized.

- r. There is no documentation of any nurse or Dr. St. Julian attempting to alert the in-house obstetrical hospitalist in a timely manner after the shoulder dystocia was recognized and prior to that hospitalist being called in to help with the repair of the proctoepisiotomy after the baby was already decapitated and dead.
- s. Upon information and belief, during a significant amount of the time that Dr. Tracey St. Julian was attempting to deliver Ms. Ross' baby vaginally in the Labor & Delivery suite and after recognition of the shoulder dystocia, Ms. Ross was not in McRobert's positioning.
- t. There is no documentation in the medical records of any nurse or other allied health professional involved in Ms. Ross' care advocating for a STAT Cesarean section to be done prior to Dr. St. Julian deciding to do a STAT Cesarean section at approximately 11:49 p.m.
- u. Fetal monitor strips show repeated and consistent Category 3 strips beginning at 9:26 p.m. with persistent late decelerations until approximately 10:36 p.m.
- v. There is no documentation of any resuscitative measures taken in response to the persistent Category 3 fetal monitor strips.
- w. Fetal monitoring strips show a 10-minute period of profound bradycardia beginning at approximately 10:36 p.m.
- x. Thereafter, there is no evidence of fetal heart tones on the fetal monitor strip.
- y. Eventually, Dr. St. Julian took Ms. Ross to an operating room and attempted a Cesarean section at approximately 11:49 pm. on July 9, 2023
- z. The baby was delivered via the Cesarean section on July 13, 2023 at approximately 12:11 a.m., with initial delivery of only the legs and the body.
- aa. The baby was decapitated.

- bb. The baby's head was delivered vaginally.
- cc. Upon delivery, the entire weight of the baby was 7 lbs. 6 oz.
- dd. The Cesarean section and proctoepisiotomy repair were completed at 3:01 a.m. on July 10, 2023.
- ee. When Dr. St. Julian spoke with Ms. Ross and her family at approximately 5:00 a.m. on July 10, 2023 about the death of the baby, Dr. St. Julian did not tell them that the baby had been decapitated.
- ff. Upon information and belief, the term "gross negligence" means: "such care as careless and inattentive persons would usually exercise under the circumstances;" "want of that diligence which even careless men are accustomed to exercise;" and "carelessness manifestly materially greater than want of common prudence."

OPINIONS

8.

I am familiar with the standard of care for nurses generally in instances such as those existent when Jessica Ross was a patient under the care of Southern Regional Medical Center and healthcare providers working at Southern Regional Medical Center from July 9th through July 12th, 2023.

9.

The standard of care for nurses generally for patients with like and similar conditions such as Ms. Ross when she was a patient at Southern Regional Medical Center and was cared for by nurses there requires that, when a shoulder dystocia occurs, nurses independently ensure; 1) that the in-house obstetrical hospitalist is called in a timely manner to assist with the attempted delivery; 2) that an obstetrical emergency protocol is activated in a timely manner (i.e. notice to

the healthcare system triggering emergent notification of anesthesia, notification of the Neonatal Intensive Care Unit (NICU), and notification of other ancillary services, etc.); and 3) the nurses advocate for moving a patient for a STAT Cesarean section in a timely manner.

10.

It is my opinion to a reasonable degree of probability from a nursing perspective that the nurses caring for Ms. Jessica Ross on July 9, 2023, when she developed a shoulder dystocia during an attempted vaginal delivery, owed a duty, independent of any other healthcare providers, to Ms. Jessica Ross and to Treveon Isaiah Taylor, Jr. to provide the degree of care and skill exercised by nurses generally under the same or similar circumstances as those presented by Ms. Ross and Treveon Isaiah Taylor, Jr. on or about July 9, 2023.

11.

It is my opinion to a reasonable degree of probability from a nursing perspective that the nurse or nurses involved in Ms. Ross' attempted vaginal delivery on or about July 9, 2023, once there was a shoulder dystocia, failed to practice according to nursing standards generally and were grossly negligent when, he/she/they: 1) grossly negligently failed to ensure that the in-house obstetrical hospitalist was called in a timely manner to assist with the attempted delivery; 2) grossly negligently failed to ensure that an obstetrical emergency protocol was activated in a timely manner (i.e. notice to the healthcare system triggering emergent notification of anesthesia, notification of the Neonatal Intensive Care Unit (NICU), and notification of other ancillary services, etc.); and 3) grossly negligently failed to ensure advocacy on their part for moving Ms. Ross into a STAT Cesarean section in a timely manner.

12.

It is my opinion to a reasonable degree of probability from a nursing perspective that the gross negligence of the nurse or nurses involved in Ms. Ross' attempted vaginal delivery on or

about July 9, 2023, proximately caused and/or significantly contributed to Treveon Isaiha Taylor, Jr.'s death.

13.

Under the theories of agency and vicarious liability, it is my opinion to a reasonable degree of probability from a nursing perspective that Southern Regional Medical Center is liable for the grossly negligent acts and omissions of its employees and/or agents, namely the nurse or nurses involved in the attempted vaginal delivery on or about July 9, 2023 of Ms. Ross, once there was a shoulder dystocia.

14.

It is my opinion to a reasonable degree of probability from a nursing perspective that the gross negligence of Southern Regional Medical Center, by and through its agents and/or employees, namely the nurse or nurses involved in the attempted vaginal delivery on or about July 9, 2023 of Ms. Ross once there was a shoulder dystocia, caused a delay in Treveon Isaiah Taylor, Jr.'s delivery and caused or significantly contributed to his death.

15.

This affidavit is given for the purpose of specifying at least one act or omission of negligence by the named defendant nurse or healthcare provider in a medical malpractice case as required by O.C.G.A. § 9-11-9.1 and does not include all my opinions relative to this matter. I reserve the right to amend this affidavit should additional information come to my attention.

AFFIANT FURTHER SAYETH NOT.

Heidi M. Shim RN




ELIZABETH ROQUE
Notary Public, State of Ohio
My Commission Expires
June 11, 2028
COMMISSION: 2023-RE-864894

HEIDI M. SHINN, R.N.

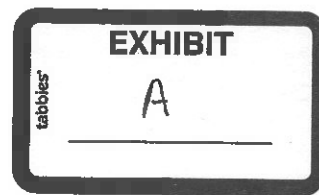
Sworn to and subscribed before me

This 7th day of August, 2023.



Notary Public

My commission expires: June 11, 2023



HEIDI M SHINN

3449 Farmers Delight Drive

Lewis Center, OH 43035

Telephone: 614-306-5244 Email: HShinn01@gmail.com

PROFESSIONAL EXPERIENCE

RN STAFF NURSE (Labor and Delivery)

Jan 2003-present

The Ohio State University Hospital; Heather Tabor, manager, Columbus, OH

- Treating high risk mothers with multiple cardiac and medical problems.
- Care of the high-risk couplet during the Antepartum, Peripartum, and initial Postpartum, periods.
- Management and care of the laboring mother and family during the Antepartum, Labor and Delivery, Postpartum, post Cesarean or post Hysterectomy periods.
- Care of mother and infant after fetal demise.
- Management of Cardiac/Telemetry, Diabetic, and Pre-Eclamptic/Eclamptic patients.
- Functions as the Charge nurse, Triage nurse, Antepartum nurse.
- Frequently preceptor to new staff.
- Care of patients in transfer from level I and level II facilities.
- AWHONN Fetal Monitoring Designated Instructor for staff and outside attendees.
- Unit Leadership Committee & Labor & Delivery Workgroup Co-Chair .
- Served as representative for L&D on Sentinel Event Committee.
- Assisted in updating and revision of Policies and Procedures.
- Works with Residents, OB/GYNs, MFMs in a teaching facility.
- Simulation Instructor

RN/ADJUNCT FACULTY (Nursing Preceptor)

Sep 2008-Jun 2009

The Columbus State Community College; Jackie Miller, manager, Columbus, OH

- Nursing instructor to groups of 4 to 8 students.
- Instructor on Antepartum, Oncology, and Surgical floors.

RN STAFF NURSE (Medical/Surgical)

Jul 2000-Jan 2003

The Ohio State University Hospital; Patsy Ballengee, manager, Columbus, OH

- Primary care of the post-surgical patients, including managing intake/output, blood pressure, telemetry, and wound/drain care.
- Care of Orthopedic, Trauma, post Abdominal and Genitourinary surgical patients.
- Frequently functioned as the Charge nurse and preceptor to new staff.
- Followed the continuum of care from admission to discharge.

PROFESSIONAL DEVELOPMENT

Degree	Bachelor of Science in Nursing (Medical College of Ohio/University of Toledo) Toledo, OH (June 2000). Employed during nursing school at MCO-STNA & ARC-Blood Bank Services.
Certifications	Inpatient Obstetric Nursing (National Certification Corporation, 2005-present) Fetal Monitoring Certified (National Certification Corporation, 2011-present)
Associations	American Nurses Association (ANA) Member Ohio Nurses Association (ONA) Member, Unit Ambassador Association of Women's Health, Obstetric, and Neonatal Nurses (AWHONN) Member The American College of Obstetricians and Gynecologists (ACOG) non-voting member
Additional Training	Basic Life Support provider (BLS), Advanced Cardiac Life Support provider (ACLS), Neonatal Resuscitation provider (NRP), S.T.A.B.L.E. provider.

March 2018, Royal Caribbean Cruise Line, Education on the Sea-Faculty Speaker, "OB on the Sea"-
various Labor and Delivery topics