

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

VANETRIS J. CARTER,)
Plaintiff,) No.: 1:23-cv-15730
)
v.) Judge:
)
JONATHAN WALLACE MD, SUBURBAN)
SURGICAL CARE SPECIALISTS, S.C.,)
ALEXIAN BROTHERS MEDICAL CENTER d.b.a.))
AMITA HEALTH ALEXIAN BROTHERS)
MEDICAL CENTER, ELK GROVE VILLAGE,)
And JOHN/JANE DOES 1-3.)
Defendants.) Jury Demand

ORIGINAL COMPLAINT AT LAW

COMES NOW Plaintiff, VANETRIS J. CARTER, by and through her attorney, Danielle A. Pinkston, of Pinkston Law Group, P.C., and complaining of Defendants JONATHAN WALLACE MD, SUBURBAN SURGICAL CARE SPECIALISTS, S.C., ALEXIAN BROTHERS MEDICAL CENTER d.b.a. AMITA HEALTH ALEXIAN BROTHERS MEDICAL CENTER, ELK GROVE VILLAGE, and JOHN/JANE DOES 1-3, and respectfully states as follows:

PARTIES

1. Plaintiff, **VANETRIS J. CARTER** (hereinafter “Plaintiff Carter”) is an adult individual residing in the State of Georgia.
2. At all times herein mentioned, Plaintiff CARTER was a patient of Defendant JONATHAN WALLACE MD, JOHN/JANE DOE 1-3, SUBURBAN SURGICAL CARE SPECIALISTS, S.C., ALEXIAN BROTHERS MEDICAL CENTER d.b.a, AMITA HEALTH ALEXIAN BROTHERS MEDICAL CENTER, ELK GROVE VILLAGE.

3. Defendant **JONATHAN WALLACE MD** (hereinafter “Defendant Wallace”) at all times relevant to this action has been a physician duly licensed to practice medicine in the State of Illinois, has had a business address of 4885 Hoffman Boulevard, Suite #400 in Hoffman Estates, County of Cook, and State of Illinois and has been employed by Defendant SUBURBAN SURGICAL CARE SPECIALISTS, S.C.
4. At all times herein mentioned, Defendant JONATHAN WALLACE MD was partners, and/or shareholders, and/or directors, and/or agents, and/or servants and/or employees of Defendant SUBURBAN SURGICAL CARE SPECIALISTS, S.C. with regard to the medical diagnosis, care and treatment rendered to Plaintiff CARTER.
5. At all times herein mentioned, Defendant SUBURBAN SURGICAL CARE SPECIALISTS, S.C (hereinafter “Defendant Suburban Surgical”) was a domestic corporation, duly incorporated and existing under and by virtue of the laws of the State of Illinois.
6. At all times herein mentioned, Defendant SUBURBAN SURGICAL CARE SPECIALISTS, S.C, was the owner of a medical group known as SUBURBAN SURGICAL CARE SPECIALISTS, S.C located at 4885 Hoffman Boulevard, Suite #400 in Hoffman Estates, County of Cook, and State of Illinois
7. At all times herein mentioned, Defendant SUBURBAN SURGICAL CARE SPECIALISTS, S.C, operated, managed, controlled and maintained the aforesaid medical facility.
8. At all times herein mentioned, Defendant **ALEXIAN BROTHERS MEDICAL CENTER**, (hereinafter “Defendant Alexian Brothers”) was a foreign corporation, duly incorporated and existing under and by virtue of the laws of the State of Texas.

9. At all times herein mentioned, Defendant ALEXIAN BROTHERS MEDICAL CENTER, was the owner of a hospital known as AMITA HEALTH ALEXIAN BROTHERS MEDICAL CENTER, ELK GROVE VILLAGE located at 800 Biesterfield Elk Grove Village, County of Cook, and State of Illinois.
10. At all times herein mentioned, Defendant ALEXIAN BROTHERS MEDICAL CENTER, operated, managed, controlled and maintained the aforesaid hospital.
11. At all times herein mentioned, Defendant JONATHAN WALLACE MD was an admitting staff member at ALEXIAN BROTHERS MEDICAL CENTER in Elk Grove Village, County of Cook and State of Illinois and he and/or his agents, and/or servants and/or employees saw Plaintiff CARTER for the purposes of medical diagnosis, care and treatment rendered.
12. At all times herein mentioned, Defendants, JONATHAN WALLACE MD, SUBURBAN SURGICAL CARE SPECIALISTS, S.C. and "JOHN/JANE DOE" 1-3 were agents, servants and/or employees of Defendant ALEXIAN BROTHERS MEDICAL CENTER with regard to the medical diagnosis, care and treatment rendered to Plaintiff CARTER.
13. At all times herein mentioned, Defendant **"JOHN/JANE DOE" 1-3** (First and Last Name being fictitious) were physicians duly licensed to practice medicine in the State of Illinois.
14. At all times herein mentioned, Plaintiff CARTER, was a patient of Defendants, "JOHN/JANE DOE" 1-3.
15. The specific identity of other tortfeasors is unknown at this time. Plaintiff has designated the unknown tortfeasors with the pseudo-names John/Jane Doe 1, John/Jane Doe 2 John/Jane Doe 3. The Plaintiff has attached hereto the affidavit of Plaintiff's attorney that

the identity of the tortfeasor(s) is unknown pursuant to 735 ILCS 5/2-413 (Exhibit "A"). These tortfeasor(s) are individuals or entities presently unknown whose tortious or unlawful behavior proximately caused or contributed to cause the injuries and damages sustained by Plaintiff as more fully set forth below, whether said behavior was the negligent care and treatment of Plaintiff or otherwise.

16. Upon determining the identity of any unknown tortfeasor, Plaintiff will amend the complaint by substituting the real names of the tortfeasors for the pseudo-name.

JURISDICTION AND VENUE

17. The acts, omissions and injuries related thereto occurred within this judicial district.
18. The amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. The jurisdiction and venue of this Court is predicated upon diversity of citizenship as provided by 28 U.S.C. § 1332.
19. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(1) and (2). The relevant events applicable to this action occurred in this jurisdiction.

STATEMENT OF FACTS

20. On April 9, 2021, Plaintiff went to her Primary Care Physician (PCP) Stephen Behnke, MD for extreme back pain that was so bad she could hardly sit.
21. After a couple of doctor's visits and x-rays at St. Alexis Hospital Urgent Care, Stephen Behnke, MD told Plaintiff that she had arthritis and a curved spine and prescribed her Meloxicam.
22. After eight (8) days on that medicine, Plaintiff experienced blood clots and bruises on her legs.
23. She called Stephen Behnke, MD, stopped taking the medicine, and stopped going to him.

24. On June 01, 2021, Plaintiff went to Natasha Harvey MD, her OB/GYN who completed all the gynecological exams and blood work.
25. All the tests were unremarkable except that Plaintiff's Hemoglobin was too low.
26. Plaintiff had to go back to Stephen Behnke, MD in order to get a referral to a hematologist to find out why.
27. Stephen Behnke, MD's Physician's Assistant an (PA), Courtney Mckelson, referred Plaintiff to Dr. J. Cahill, a gastrointestinal doctor.
28. After a few tests and the results from a CT scan, Plaintiff was diagnosed with H. Pylori and the true and underlying health issue, Hiatal Hernia that went through her diaphragm and was sitting next to her heart.
29. Stephen Behnke, MM referred her to Defendant WALLACE, General Surgeon so that he could repair the hernia.
30. On June 30, 2021, Plaintiff's initial visit with Defendant WALLACE, consisted of discussing her diagnosis and options for surgical repair, but he never discussed any complications and briefly said it was a process.
31. Dr. Wallace noted that the patient's findings were a large paraesophageal hernia per recent CT imaging.
32. Dr. Wallace also referred Ms. Carter to Dr. Jennifer Cahill for pre-operative EGD Study with Esophageal Manometry.
33. Other than birthing her children, Plaintiff had not ever been in a hospital for any procedures, but on August 4, 2021, she had her very first ever surgical procedure, an Esophagogastroduodenoscopy (EGD) with Esophageal Manometry with Impedance performed by Dr. J Cahill.

34. On August 5, 2021, at Defendant ALEXIAN BROTHERS, Defendant WALLACE performed a correction of Plaintiff's Hiatal Hernia with a Nissen Fundoplication Band/Wrap Procedure using Robotic @ ABMC.
35. His operative report noted that an absorbable mesh was used and that a loose wrap 360-degree Nissen Fundoplication was then performed by bringing the fundus posterior and then attaching it to itself again over the 40 French bougie. A running nonabsorbable suture was used to secure the wrap for a distance of approximately 4 cm and securing it to the esophagus itself to prevent slippage.
36. Following the August 5, 2021 surgery Defendant WALLACE and JOHN/JANE DOES 1-3's undertook to provide continued medical treatment to Plaintiff CARTER.
37. Following the August 5, 2021 surgery, Defendant ALEXIAN BROTHERS' surgeon and employee Defendant WALLACE undertook to provide continued medical treatment to Plaintiff CARTER for a follow-up after having undergone a laparoscopic Nissen fundoplication.
38. On August 11, 2021, Plaintiff went to her first follow up appointment with and was told it would take about 6 weeks for her to heal.
39. Defendant Wallace and JOHN/JANE DOES 1-3 were acting within the scope of their employment with Defendant ALEXIAN BROTHERS it when they undertook to provide the medical services, medical care and treatment to Plaintiff CARTER described above.
40. Defendant Jonathan WALLACE's and JOHN/JANE DOES 1-3's medical services, care and treatment of Plaintiff CARTER were negligent, grossly negligent, or reckless.
41. Defendant ALEXIAN BROTHERS' treatment of Plaintiff CARTER, through its employees, including Defendant WALLACE and JOHN/JANE DOES 1-3 were

negligent, grossly negligent, or reckless.

42. Defendant ALEXIAN BROTHERS was negligent in its supervision of Defendant Jonathan Wallace and JOHN/JANE DOES 1-3's medical services, care and treatment provided to Plaintiff CARTER.

43. On August 21, 2021 Plaintiff had Bow Tie pasta, got terribly sick at a party, and had to leave.

44. She could not stop dry heaving which lasted for about 5 hours until she had to go to the emergency room from exhaustion and weakness.

45. Plaintiff was admitted and the next day she had a Bariatric x-ray to check for leaks or bleeding.

46. The medical providers at the hospital told her that her stomach was okay, but was swollen from heaving.

47. Plaintiff was released and told to stay away from ice and stay on a liquid diet until she saw Defendant WALLACE again.

48. On September 8, 2021 Plaintiff followed up from the Northwest Community Hospital (NWCH) Emergency Room visit and was seen by Defendant WALLACE's assistant.

49. Plaintiff told him her symptoms of numbness, fluids were coming up, stomach pains, inability to sit for a long time, she was tired, it was hard to sleep, and she could not pull or stretch her stomach.

50. She discussed extending her Family and Medical Leave Act (FMLA) benefits.

51. Plaintiff still had occasional pain, but was told that it was normal and would go away.

52. The doctors continued telling her to "listen to your body."

53. On October 6, 2021, during a visit with Defendant WALLACE he entered the room asked Plaintiff what was going on and the reason for her visit.
54. Plaintiff told him she was still having trouble with her stomach and she needed an FMLA extension.
55. Defendant WALLACE told her six (6) weeks was the typical healing time and they are at the 8-week point.
56. Plaintiff explained to him that she understood, but she was still having issues, had returned to the hospital, and stayed overnight during the three (3) week post-op period.
57. Defendant WALLACE told Plaintiff the surgery went well and he would not sign for her FMLA extension.
58. Plaintiff told him, “You assume I’m faking to be off work. Dr. I’ve always worked corporate jobs my entire life and don’t have a problem working. I am a paying patient with good insurance. I am not a welfare recipient (even if I was it wouldn’t make it better) and I pay my co-pays.”
59. Plaintiff then told him that she has not even checked her issues from the inside and he left the room.
60. Plaintiff told Defendant WALLACE that she was currently in pain and was in pain every day.
61. Defendant WALLACE made it seem like Plaintiff was trying to get an FMLA extension so she would not have to go back to work and told her several times that her surgery had a fast healing time and the surgery went well.

62. On October 24, 2021, Plaintiff could not stop dry heaving and was taken to the emergency room at Northwest Community Hospital (NWCH) for the second time where she remained for four to five days until she was released.
63. Upon release, Plaintiff still did not know her stomach was necrotic and neither Defendant WALLACE nor anyone at the hospital told her this prior to her release.
64. Following the August 5, 2021 surgery performed by Defendant Jonathan Wallace M.D., Plaintiff CARTER endured severe pain and suffering of the body and was forced to undergo subsequent, significant medical procedures and treatment which revealed Defendant WALLACE's errors, and she has incurred and will incur medical bills, and has suffered and will suffer lost earning capacity.
65. On November 4, 2021, prior to going to her follow up with Defendant WALLACE to check the fundoplication wrap, Plaintiff was back in Northwest Community Hospital's (NWCH) emergency room because she fainted from dry heaving again.
66. A day or two before Plaintiff's surgery to remove her stomach Dr. Barnett from Northwest Community Hospital requested Plaintiff's medical records and DEFENDANT WALLACE called Plaintiff and asked her to come into the office to see what was going on.
67. About four (4) days into her second stay at Northwest Community Hospital (NWCH), she was told they were going to open her stomach to see what was wrong.
68. Plaintiff woke up with a deformed body, a feeding tube, and bulbs of blood coming from her chest area.
69. She was told that she lost 90% of her stomach and Sean Barnett, MD had to save her stomach and life.

COUNT I: LACK OF INFORMED CONSENT
Plaintiff Against Defendants Jonathan Wallace MD, "John/Jane Doe" 1-3, Suburban
Surgical Care Specialists, S.C., and Alexian Brothers Medical Center

COMES NOW Plaintiff, VANETRIS J. CARTER, by and through her attorney, Danielle A. Pinkston, of the Pinkston Law Group, P.C., and complaining of Defendants JONATHAN WALLACE MD, SUBURBAN SURGICAL CARE SPECIALISTS, S.C. ALEXIAN BROTHERS MEDICAL CENTER, and JOHN/JANE DOES 1-3, and respectfully states as follows:

1. Plaintiff incorporates by reference the above paragraphs 1-69 as if fully contained herein.
2. Defendants failed to inform her of risks, benefits, hazards, and alternatives associated with the treatment rendered and procedures performed, so that informed consent could be given.
3. As a consequence of the foregoing, there was no informed consent to the treatment rendered and procedures performed.
4. A reasonably prudent person in the Plaintiff's position would not have undergone the treatments rendered and procedures performed if she had been fully informed of the risks, benefits, hazards and alternatives connected with said treatment and procedures.
5. The failure to adequately and fully inform Plaintiff of the risks, benefits, hazards, and alternatives of the treatment rendered and procedures performed is a proximate cause of the injuries Plaintiff CARTER sustained.
6. Defendants' negligent conduct and deviation from the standard of care as set forth above directly and proximately caused or contributed to serious injury to Plaintiff, contamination into her abdomen that affected her abdominal organs and resulted further in her developing sepsis. Plaintiff suffered from certain permanent internal physical injuries, disfigurement, where she needed medical care, treatment,

hospitalizations, surgeries, and procedures that caused her to incur hospital, physician, pharmaceutical, and other health care expenses, and she will continue to incur in the future, hospital, physician, pharmaceutical, and other health care expenses.

7. Defendants' negligent conduct and deviation from the standard of care as set forth above directly and proximately caused or contributed to Plaintiff suffering from severe past and future pain, serious personal injuries such as shock to her nervous system, mental anguish, increased risk for future complications, inability to lead a normal life, loss of quality and enjoyment of life, including eating food, being confined to her bed and home as a result thereof, and she will be in the future confined and incapacitated from attending to her regular activities, and thereby caused to expend a sum of money for medical and hospital care on her behalf.

8. The amount of damages sought exceeds the jurisdictional threshold.

WHEREFORE, Plaintiff VANETRIS J. CARTER requests a judgment awarding actual, compensatory, damages against Defendants, in an amount to be determined at trial, but not less \$7,000,000.00; pre- and post-judgment interest at the highest legal rate allowed by law from the earliest time allowed by law; plus costs; and for any further relief that this Honorable Court deems necessary and appropriate.

COUNT II: NEGLIGENCE OR MEDICAL MALPRACTICE
Plaintiff Against Defendants Jonathan Wallace MD and "John/Jane Doe" 1 - 3

COMES NOW Plaintiff, VANETRIS J. CARTER, by and through her attorney, Danielle A. Pinkston, of the Pinkston Law Group, P.C., and complaining of Defendants JONATHAN WALLACE MD and JOHN/JANE DOES 1-3, and respectfully states as follows:

1. Plaintiff incorporates by reference the above paragraphs 1-69 as if fully contained herein.
2. Defendants owed Plaintiff a duty to perform the August 5, 2021 surgery and all

subsequent care on Plaintiff in a reasonable manner consistent with the standard of care.

3. Defendants deviated from this standard of care when Defendant WALLACE negligently performed the August 5, 2021 surgery on Plaintiff and all Defendants negligently performed follow-up care.
4. Under the medical diagnosis, care and treatment of the aforesaid Defendants, their agents, servants and/or employees and as a result of the failure to timely and properly carefully diagnose, care for, and treat the Plaintiff's condition, including, Defendant WALLACE and "JOHN/JANE DOE", 1 - 3 breached that standard of care when they:
 - a. chose not to recommend and encourage other available conservative treatment options pre-operatively that would treat Plaintiff's condition with less risk of harm;
 - b. tied the wrap too tight around Plaintiff's stomach, causing injury, damage, and killing over 90% percent of her stomach;
 - c. chose not to take simple safeguards to assure that he had not injured Plaintiff's stomach, which would have allowed Defendant WALLACE to recognize the injury so that it could be immediately repaired during the surgery;
 - d. failed to timely recognize that he had damaged Plaintiff's stomach by tying the wrap too tight during the August 5, 2021 procedure.
 - e. failed to timely repair the injury to Plaintiff's stomach that had occurred during the August 5, 2021 procedure;
 - f. chose not to change his surgical approach or technique when he encountered difficulty during the August 5, 2021 procedure;
 - g. chose not to perform an endoscope of Plaintiff during the August 5, 2021

procedure, in order to rule out injury to her stomach;

- h. chose not to investigate Plaintiff's post-operative complaints of pain and complications;
- i. chose not to investigate Plaintiff's reports of pain and complications when she called Defendant WALLACE's office and was seen by him and his staff in the hospital;
- j. failed to timely and properly assess Plaintiff's readiness for discharge;
- k. failed to timely and properly admit Plaintiff to the hospital postoperatively;
- l. failed to timely and properly appreciate the seriousness of the Plaintiff's medical condition;
- m. failed to timely and properly diagnose and treat Plaintiff's medical condition;
- n. failed to timely and properly recognize the significance of, determine the etiology of, and act upon Plaintiff's condition;
- o. failed to timely and properly formulate a differential diagnosis;
- p. failed to timely and properly visualize Plaintiff's anatomy;
- q. failed to timely and properly perform appropriate diagnostic studies;
- r. failed to timely and properly perform a physical exam on Plaintiff;
- s. failed to timely and properly monitor Plaintiff;
- t. failed to timely and properly seek and/or obtain guidance and/or advice from experienced and competent medical professionals; and
- u. failed to treat Plaintiff in the accepted and proper medical manner, without any fault or lack of care from the Plaintiff herein.

5. Defendants Wallace's and "JOHN/JANE DOE" 1-3's negligent conduct and deviation

from the standard of care as set forth above directly and proximately caused or contributed to serious injury to the Plaintiff, contamination into her abdomen that affected her abdominal organs and resulted further in her developing sepsis. Plaintiff suffered from certain permanent internal physical injuries, and disfigurement, where she needed medical care, treatment, hospitalizations, surgeries, and procedures that caused her to incur hospital, physician, pharmaceutical, and other health care expenses, and she will continue to incur in the future, hospital, physician, pharmaceutical, and other health care expenses.

6. Defendant WALLACE's and "JOHN/JANE DOE" 1-3's negligent conduct and deviation from the standard of care as set forth above directly and proximately caused or contributed to Plaintiff suffering from severe past and future pain, serious personal injuries such as shock to her nervous system, suffering, mental anguish, increased risk for future complications, inability to lead a normal life, loss of quality and enjoyment of life, including eating food, being confined to her bed and home as a result thereof, and she will be in the future confined and incapacitated from attending to her regular activities, and thereby caused to expend a sum of money for medical and hospital care on her behalf.

7. The amount of damages sought exceeds the jurisdictional threshold.

WHEREFORE, Plaintiff VANETRIS J. CARTER requests a judgment awarding actual, compensatory, damages against Defendants, in an amount to be determined at trial, but not less \$7,000,000.00; pre- and post-judgment interest at the highest legal rate allowed by law from the earliest time allowed by law; plus costs; and for any further relief that this Honorable Court deems necessary and appropriate.

COUNT III: NEGLIGENCE AND NEGLIGENT SUPERVISION
Plaintiff Against Suburban Surgical Care Specialists, S.C. and Alexian Brothers Medical Center

COMES NOW Plaintiff, VANETRIS J. CARTER, by and through her attorney, Danielle A. Pinkston, of the Pinkston Law Group, P.C., and complaining of Defendants SUBURBAN SURGICAL CARE SPECIALISTS, S.C. and ALEXIAN BROTHERS MEDICAL CENTER, and respectfully states as follows:

1. Plaintiff incorporates by reference the above paragraphs 1-69 as if fully contained herein.
2. During all of the times alleged herein Plaintiff was receiving medical care and treatment at Defendants SUBURBAN SURGICAL and ALEXIAN BROTHERS through their agents, employees, and staff, which includes Defendant WALLACE and "JOHN/JANE DOE" 1-3.
3. On August 5, 2021, and at all times mentioned herein, Defendants were duly licensed healthcare institutions providing care and treatment to patients admitted therein.
4. On August 5, 2021, and at all times mentioned herein, Defendants held themselves out to the public as offering surgical services.
5. On August 5, 2021, and at all times mentioned herein, Defendants WALLACE M.D. and "JOHN/JANE DOE" 1-3, were physicians duly licensed to practice medicine in the State of Illinois and were engaged in the practice of medicine, specializing in bariatric surgery.
6. On August 5, 2021, and at all times mentioned herein, Defendants WALLACE and "JOHN/JANE DOE" 1-3 were duly authorized agents and employees of Defendants and were acting within the scope of their agency and employment.

7. On August 5, 2021, and at all times mentioned herein, Defendant WALLACE and "JOHN/JANE DOE" 1-3 were duly authorized apparent agents of Defendants and were acting within the scope of their apparent agency and authority.
8. On August 5, 2021, Defendants did not inform Plaintiff, CARTER, that Defendants WALLACE and "JOHN/JANE DOE" 1-3 were not agents and/or employees.
9. On August 5, 2021, Plaintiff, CARTER, neither knew nor should have known that Defendants Wallace and "JOHN/JANE DOE" 1-3 were not actual agents and/or employees of Defendants.
10. On August 5, 2021, and at all times mentioned herein, Defendants SUBURBAN SURGICAL and ALEXIAN had the right to control the actions of Defendants WALLACE and "JOHN/JANE DOE" 1-3.
11. On August 5, 2021, Defendants SUBURBAN SURGICAL and ALEXIAN BROTHERS had the right to discharge Defendants WALLACE and "JOHN/JANE DOE" 1-3.
12. On or before August 5, 2021, Defendant WALLACE and "JOHN/JANE DOE" 1-3 had received incentive payments from Defendants.
13. On August 5, 2021, Plaintiff, CARTER, was admitted to Defendant ALEXIAN BROTHERS, and underwent a procedure commonly known as a Nissen fundoplication performed by Defendant WALLACE with the active aid and assistance of various other actual and/or apparent agents and employees of Defendant ALEXIAN BROTHERS, including, but not limited to, nurses, aides, technicians, and other medical staff.
14. On August 5, 2021, and at all times mentioned herein, Defendant ALEXIAN BROTHERS, by and through its duly authorized actual and/or apparent agents and employees, including but not limited to staff, physicians, nurses, and other personnel, had

a duty to possess and apply the knowledge and the skill used by reasonably careful health care institutions under similar circumstances.

15. On August 5, 2021, and at all times mentioned herein, Defendants WALLACE and "JOHN/JANE DOE" 1-3 had a duty to possess and apply the knowledge and the skill used by a reasonably careful bariatric surgeon under similar circumstances.

16. Because Plaintiff received medical care and treatment at Defendants through its agents, employees and staff, Defendants had a duty to provide reasonable care and attention to Plaintiff CARTER's safety, and mental and physical condition, under the circumstances.

17. Defendants SUBURBAN SURGICAL and ALEXIAN BROTHERS, prior to the granting or renewing of privileges or employment to the Defendants SUBURBAN SURGICAL and ALEXIAN BROTHERS' residents, physician assistants, nurse practitioners, nurses, and others involved in Plaintiff CARTER's care rendered at its facilities were negligent when it:

- a. failed to ensure that Defendant WALLACE utilized the proper surgical tools and wraps in performing Plaintiff's surgery;
- b. failed to properly train, ensure and/or verify that Defendant WALLACE was properly trained on how to utilize the wrap and equipment he used in performing the August 5, 2021 surgery;
- c. failed to observe and/or act on early post-operative signs which indicated the need for further monitoring and treatment including but not limited to the need to include surgical re-exploration;
- d. failed to ensure the proper credentialing of Defendant WALLACE, a general surgeon, to perform procedures with the wrap and equipment;

- e. continued to allow surgeons to use the wrap and equipment;
- f. failed to properly and adequately investigate the qualifications, competence, capacity, fitness, abilities and capabilities of said Defendants, residents, nurse practitioners, nurses and other employees, by failing to properly and adequately perform appropriate credentialing procedures;
- g. failed to obtain complete and accurate information concerning past and current patient grievances and/or complaints;
- h. failed to obtain complete and accurate information concerning past and current negative healthcare outcomes;
- i. failed to obtain complete and accurate information concerning past and current incidents resulting in harm or injury to patients;
- j. failed to obtain complete and accurate information concerning past and current medical malpractice actions commenced against said persons, including the outcome(s) thereof;
- k. failed to obtain complete and accurate information concerning past and/or current actions and/or investigations by the Department of Health, Office of Professional Medical Conduct, or any other licensure organization or certification board and the results thereof;
- l. failed to obtain complete and accurate information concerning any prior history of association, privilege and/or practice at any other institution, facility, or place of employment;
- m. failed to obtain complete and accurate information concerning past and current licensure history and status;

- n. failed to obtain complete and accurate information concerning my discontinuation or limitation of association, privilege, and/or practice at any other institution, facility, or other place of employment;
 - o. failed to obtain complete and accurate information concerning any pending professional misconduct proceeding in this state or another state, the substance of the allegations in such proceedings, and specific information concerning such allegations and/or proceedings;
 - p. failed to heed, and/or make sufficient inquiry of those whom it knew or should have known possessed information relevant to the capacity, capability, ability and competence of said persons rendering treatment at its facility; and,
 - q. failed to make the appropriate inquiries and/or conduct the foregoing functions and/or investigations at timely and appropriate intervals on a continuing basis.
18. Had the Defendants SUBURBAN SURGICAL and ALEXIAN BROTHERS made the above stated inquiry or, in the alternative, had Defendants SUBURBAN SURGICAL and ALEXIAN BROTHERS reviewed and analyzed the information obtained in a proper manner, privileges and/or employment would not have been granted and/or renewed.
19. By reason of this Defendants' failure to meet the aforementioned obligation, Plaintiff was treated by physicians, nurse practitioners, nurses, and/or other employees who were lacking the requisite skills, abilities, competence, and capacity, as a result of which Plaintiff sustained severe injuries and complications.
20. Defendants' breach of the applicable standard of care, through its agents, employees, and staff, proximately caused or contributed to serious injury to the Plaintiff, contamination into her abdomen that affected her abdominal organs and resulted

further in her developing sepsis. Plaintiff suffered from certain permanent internal physical injuries, and disfigurement, where she needed medical care, treatment, hospitalizations, surgeries, and procedures that caused her to incur hospital, physician, pharmaceutical, and other health care expenses, and she will continue to incur in the future, hospital, physician, pharmaceutical, and other health care expenses.

21. Defendants' breach of the applicable standard of care, through its agents, employees, and staff, proximately caused or contributed to Plaintiff suffering from severe past and future pain, serious personal injuries such as shock to her nervous system, mental anguish, increased risk for future complications, inability to lead a normal life, loss of quality and enjoyment of life, including eating food, being confined to her bed and home as a result thereof, and she will be in the future confined and incapacitated from attending to her regular activities, and thereby caused to expend a sum of money for medical and hospital care on her behalf.

22. The amount of damages sought exceeds the jurisdictional threshold.

WHEREFORE, Plaintiff VANETRIS J. CARTER requests a judgment awarding actual, compensatory, damages against Defendants, in an amount to be determined at trial, but not less \$7,000,000.00; pre- and post-judgment interest at the highest legal rate allowed by law from the earliest time allowed by law; plus costs; and for any further relief that this Honorable Court deems necessary and appropriate.

COUNT IV: Respondeat Superior
Plaintiff Against Suburban Surgical Care Specialists, S.C. and Alexian Brothers Medical Center

COMES NOW Plaintiff, VANETRIS J. CARTER, by and through her attorney, Danielle A. Pinkston, of the Pinkston Law Group, P.C., and complaining of Defendants SUBURBAN SURGICAL CARE SPECIALISTS, S.C. and ALEXIAN BROTHERS

MEDICAL CENTER and respectfully states as follows:

1. Plaintiff re-alleges and incorporates each of the foregoing paragraphs 1-69 as though fully set forth here.
2. An employer may be vicariously liable for the tortious acts of its employees committed within the scope of employment
3. At all times when Defendant WALLACE and JOHN/JANE DOES 1-3 provided medical care to Plaintiff, CARTER, they were partners, and/or shareholders, and/or directors, and/or agents, and/or servants and/or employees of the Defendants and acted under the scope of their employment.

WHEREFORE, Plaintiff VANETRIS J. CARTER requests a judgment awarding actual, compensatory, damages against Defendants, in an amount to be determined at trial, but not less \$7,000,000.00; pre- and post-judgment interest at the highest legal rate allowed by law from the earliest time allowed by law; plus costs; and for any further relief that this Honorable Court deems necessary and appropriate.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff makes her demand for trial by jury on all issues so triable.

Dated: November 7, 2023

Respectfully submitted,
PINKSTON LAW GROUP, P.C.
/s/ Danielle A. Pinkston

Danielle A. Pinkston
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Atty. for: VANETRIS J. CARTER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

VANETRIS J. CARTER,
PLAINTIFF,

v.

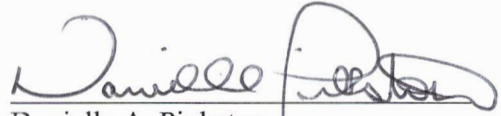
JONATHAN WALLACE MD, SUBURBAN
SURGICAL CARE SPECIALISTS, S.C.,
ALEXIAN BROTHERS MEDICAL CENTER
D.B.A. AMITA HEALTH ALEXIAN BROTHERS
MEDICAL CENTER, ELK GROVE VILLAGE,
AND JOHN/JANE DOES 1-3.
DEFENDANTS.

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) NO. 1:23-cv-15730
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) JURY DEMAND

AFFIDAVIT OF PLAINTIFF'S ATTORNEY

I, Danielle A. Pinkston, being first duly sworn on oath depose and state as follows:

This matter is being filed pursuant to 735 ILCS 5/2-622(a)(2) because the affiant was unable to obtain a consultation required by paragraph 1 because a statute of limitations would impair the action and the consultation required could not be obtained before the expiration of the statute of limitations. Physician's reports will be provided within 90 days for Defendants.


Danielle A. Pinkston

SIGNED AND SWORN to before me

This 7th day of November 2023


NOTARY PUBLIC

OFFICIAL SEAL
PAULINE G. AMES
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires Sep. 21, 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

VANETRIS J. CARTER,
PLAINTIFF,

v.

JONATHAN WALLACE MD, SUBURBAN
SURGICAL CARE SPECIALISTS, S.C.,
ALEXIAN BROTHERS MEDICAL CENTER
D.B.A. AMITA HEALTH ALEXIAN BROTHERS
MEDICAL CENTER, ELK GROVE VILLAGE,
AND JOHN/JANE DOES 1-3.
DEFENDANTS.


)
) NO. 1:23-cv-15730
)
)
)
)
)
)
)
) JURY DEMAND

AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222 (B)

I, Danielle A. Pinkston, of the Pinkston Law Group, P.C., state:

1. Pursuant to Supreme Court Rule 222 (B), counsel for the above-named Plaintiff certifies that Plaintiff seeks money damages **in excess of Seventy Five Thousand** and 00/100ths Dollars (\$75,000.00).
2. Further affiant sayeth naught.

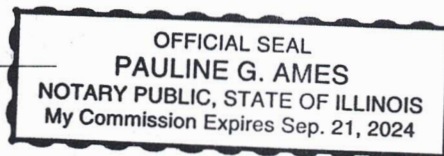
Dated: November 7, 2023


Danielle A. Pinkston

SIGNED AND SWORN to before me

This 7th day of November 2023


NOTARY PUBLIC



Atty. No.: 47924

PINKSTON LAW GROUP, PC

Danielle A. Pinkston

Atty. for: **VANETRIS J. CARTER** (Plaintiff)

54 North Ottawa Street, Suite #110, Joliet, Illinois 60432

Office: (773) 770-4771 Fax: (773) 770-4772

dpinkston@pinkstonlawgroup.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

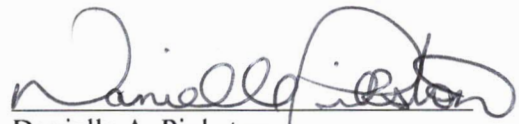
VANETRIS J. CARTER,)
PLAINTIFF,) NO. 1:23-cv-15730
)
v.)
)
JONATHAN WALLACE MD, SUBURBAN)
SURGICAL CARE SPECIALISTS, S.C.,)
ALEXIAN BROTHERS MEDICAL CENTER)
D.B.A. AMITA HEALTH ALEXIAN BROTHERS)
MEDICAL CENTER, ELK GROVE VILLAGE,)
AND JOHN/JANE DOES 1-3.)
DEFENDANTS.) JURY DEMAND

AFFIDAVIT OF DANIELLE A. PINKSTON

I, Danielle A. Pinkston, attorney for the Plaintiff, after first being duly sworn do state follows:

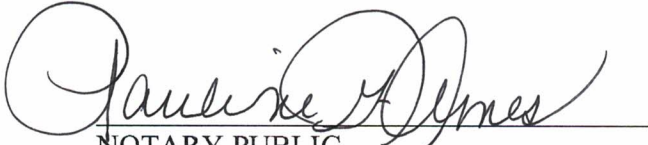
1. That upon information and belief there are parties whose identities are unknown at this time;
2. Prior to the filing of this Complaint, Plaintiff is without means to identify the correct parties;
3. That these unknown parties have been designated in the Plaintiff's Complaint as John Does 1-3;
4. Discovery will be sent in this matter to identify these unknown Defendants; and
5. Pursuant to 735 ILCS 5/2-413, upon determining the identity of the unknown parties this Complaint will be amended by substituting the real name of the unknown parties for the John Does 1-3 named herein.
6. Further Affiant sayeth naught.

Dated: November 7, 2023


Danielle A. Pinkston

SIGNED AND SWORN to before me

This 7th day of November 2023


NOTARY PUBLIC

