

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

CRYSTAL BLAKE, Proposed
Administrator of the Estate of
CORRINNIA LYNN BLAKE,
Deceased,
851 W. 5th St.
Marysville, OH 43040

Plaintiff,

v.

MOUNT CARMEL HEALTH SYSTEM
dba MOUNT CARMEL WEST
c/o CT Corporation System, Statutory Agent:
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

WILLIAM S. HUSEL, D.O.
4757 Aberdeen Avenue
Dublin, OH 43016

and

GREGORY S. WHITE, R.PH.
5751 Cambrooke Court
Dublin, OH 43016

and

ANDREA OGANDAGA, R.N.
c/o Mount Carmel West Hospital
793 West State Street
Columbus, OH 43222

and

KATHLEEN L. MCDOWELL, R.N.
c/o Mount Carmel West Hospital
793 West State Street
Columbus, OH 43222

Case No.:

Judge:

COMPLAINT

JURY DEMAND ENDORSED HEREON

MOTION FOR EXTENSION TO FILE
AFFIDAVIT(S) OF MERIT, ATTACHED

and
JOHN DOE CORPORATIONS #1-5
Names and Address
Unknown to Plaintiff,

and
JOHN DOE PHYSICIANS #1-5
Names and Address
Unknown to Plaintiff,

and
JOHN DOE NURSES #1-5
Names and Address
Unknown to Plaintiff,

and
JOHN DOE PHARMACISTS #1-5
Names and Address
Unknown to Plaintiff

and
JOHN DOE EMPLOYEES #1-5
Names and Address
Unknown to Plaintiff

Defendants.

COMPLAINT

Now comes , Crystal Blake, Individually and as Proposed Administrator of the Estate of
Corrinnia L. Blake, by and through counsel, and her causes of action states as follows:

PARTIES

1. Until her death of September 25, 2018, Plaintiff's decedent, Corrinnia Blake, was a resident
of Marysville, Ohio.

2. Plaintiff's decedent, Corrinna L. Blake, died September 25, 2018 as a result of a lethal dose of Fentanyl.
3. Plaintiff Crystal Blake was Proposed as Administrator of the Estate of Corrinna L. Blake by the Probate Court of Union County Ohio on January 29, 2019 in Case No. 20191011.
4. At all times relevant herein, Defendant Mount Carmel Health Systems dba Mount Carmel West (hereinafter referred to as "Defendant Mount Carmel") was a not-for-profit corporation, incorporated under the laws of the State of Ohio, with its primary place of business in Franklin County, Ohio, which employed physicians, nurses, administrators and other personnel in help facilitates or otherwise evaluate, care for, and treat patients, including Plaintiff Corrinna L. Blake, each acting within the course and scope of his or her employment and authority.
5. At all times relevant herein, Defendant William S. Husel, D.O. (hereinafter referred to as "Defendant Dr. Husel") was a resident of the State of Ohio, duly licensed to practice medicine in the State of Ohio, specifically with a primary place of business located in Franklin County, Ohio, and a primary residence located in Delaware County, Ohio, and held himself out as a medical doctor as he received and treated patients for consideration.
6. At all times relevant herein, Defendant Gregory S. White, RPh was a resident of the State of Ohio, duly licensed to practice pharmacy in the State of Ohio, specifically with a primary place of business located in Franklin County, Ohio, at all times relevant herein, Defendant White was providing pharmacy services as an employee and/or agent of Defendant Mount Carmel.
7. At all times relevant herein, Defendant Andrea Ogandage, R.N. (hereafter referred to as "Defendant Nurse Ogandage") was a resident of Franklin County, Ohio, duly licensed to

practice nursing in the State of Ohio and was involved in the care of Corrinna Blake on September 25, 2018. At all times relevant herein, Defendant Nurse Ogandage was providing nursing care and services as an employee and/or agent of Defendant Mount Carmel.

8. At all times relevant herein, Defendant Kathleen L. McDowell, R.N. (hereafter referred to as "Defendant Nurse McDowell") was a resident of Franklin County, Ohio, duly licensed to practice nursing in the State of Ohio and was involved the care of Corrinna Blake on September 25, 2018. At all times relevant herein, Defendant Nurse McDowell was providing nursing care and services as an employee and/or agent of Defendant Mount Carmel.
9. At all times relevant herein, Defendant Mount Carmel acted through its agents and employees including, but not limited to, Defendant Dr. Husel, John Doe Corporation #1-5, John Doe Physician #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5 and John Does Employees #1-5 who were within the course and scope of their express, implied, or apparent authority as agents of this corporate Defendant.
10. At all times relevant herein, John Doe Corporation #1-5, John Doe Physician #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5 and John Does Employees #1-5 were residents of the State of Ohio and held themselves out to be employees, nurses, agents, or other personnel of Defendant Mount Carmel and/or John Doe Corporations #1-5.
11. The true names and capacities of John Doe Corporation #1-5, John Doe Physician #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5 and John Does Employees #1-5 are unknown to the Plaintiff at this time, and Plaintiff has accordingly sued these unknown Defendant undersaid fictitious names. When the true names of said John Doe Corporation

#1-5, John Doe Physician #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5 and John Does Employees #1-5 have been ascertained, Plaintiff will seek leave to amend his Complaint accordingly. Plaintiff is informed and believed that John Doe Defendants caused injuries and damages to the Plaintiff's decedent, Corrinna L. Blake .

12. At all times relevant herein, John Doe Corporations #1-5 were professional corporations, incorporated or acting under the laws of the State of Ohio, which employed physicians, nurses, pharmacists and other personal to evaluate, care for, and treat patients of John Doe Corporations #1-5.
13. The true names and capacities of John Doe Corporations #1-5 are unknown to the Plaintiff at this time and Plaintiff has accordingly sued these unknown Defendants under said fictitious names. When the true names of said John Doe Corporations have been ascertained, Plaintiff will seek leave to amend his Complaint accordingly. Plaintiff is informed and believes that John Doe Corporations are legally reasonable for the events and occurrences herein described, and that John Doe Corporations caused injuries and damages to Plaintiff's decedent, Corrinna L. Blake.
14. At all times relevant herein, Defendants Mount Carmel and John Doe Corporations #1-5 acted through its/.their agents, employees and/or independent contractors who were within the course and scope of their employment and authority including, but not limited to, the named Defendants as well as other physicians, nurses, pharmacists, technicians, administrators and other caregivers.
15. At all times relevant herein, the acts and omissions performed by employees, servants or agents of Defendants Mount Carmel and/or John Doe Corporations #1-5 were within the scope of their express, implied or apparent authority as agents of said Defendants.

JURISDICTION AND VENUE

16. Jurisdiction is conferred on this Court by R.C. 2305.01.
17. Pursuant to Rule 3(B)(2) and (6) of the Ohio Rules of Civil Procedure, venue is proper in Franklin County, Ohio, as one or more of the Defendants have their principal place of business in Franklin County and Franklin County is the county in which all or part if the claim for relief arose.

SERVICE OF PROCESS

18. Service of Process is permitted on Defendants pursuant to Civ. R. 4.2(A) and (F).

COMMON FACTUAL ALLEGATIONS

19. On or about September 17, 2018 Corrinna Blake, presented with non-life-threatening abdominal pain and wound care. Due to her multiple long-time medical issues and concerning labs she was admitted.
20. Due to concern over her lab results Corrinna Blake was transferred to ICU for treatment. It is there she came under the treatment of Defendant Dr. Husel.
21. Defendant Husel ordered 500 micrograms or the drug Fentanyl in addition to a 6 mg dose of Versed be given to Corrinna Blake through her IV once her family was present.
22. Despite the grossly inappropriate order for an excessive dosage of Fentanyl in combination with the Versed, Mount Carmel's electronic records system either failed to alert Corrinna Blake's health care providers that the order appeared to be placed in error or her health care providers ignored the alert because the dosage was intentionally prescribed by Dr. Husel for the purpose of ending Corrinna Blake's life.

23. Defendant Gregory White reviewed and approved Defendant Husel's grossly inappropriate order for an excessive dosage of Fentanyl and Versed and that both medications were made available to Defendant Nurse McDowell to be administered to Corrinna Blake.
24. Defendant Gregory White knew that the ordered dosage of Fentanyl and Versed was excessive and grossly inappropriate, served no therapeutic purpose or function, and would only serve to hasten the death of Corrinna Blake.
25. Defendant Nurse Ogandaga took the order to administer the inappropriate order for the dosage of Fentanyl and Versed from Defendant Husel and allowed that order to be administered, knowing that such a lethal dose would only serve to hasten the death of Corrinna Blake.
26. Defendant Nurse McDowell administered the lethal dose of Fentanyl and Versed to Corrinna Blake on September 25, 2018, knowing that such a grossly inappropriate dose of Fentanyl and Versed would only serve to hasten her death.
27. Corrinna Blake died on September 25, 2018 within minutes of being administered the lethal dose of Fentanyl and Versed.

PLAINTIFF'S FIRST CAUSE OF ACTION
(Medical Negligence)

28. Plaintiff incorporates by reference any and all statements and allegations contained in Paragraph 1 through 27 as if fully rewritten in the First Cause of Action.
29. Defendants named herein, individually and by and through employees and/or agents, jointly and severally, were negligent, and fell below the accepted standard of care, skill and diligence for health care providers and medical provider employees in Ohio or other similar communities in their care providers and medical provider employees in Ohio or other similar communities in their care and treatment of Plaintiff's decedent, Corrinna L. Blake.

Specifically, said Defendants, individually and by and through their doctors, nurses, administrators, staff, and employees, failed to meet the accepted standard of care, skill, and diligence in the treatment they provided Corrinna L. Blake by ordering and administering a lethal dose of Fentanyl. Defendants were negligent in other respects as well. Furthermore, Mount Carmel was negligent in their supervision of their employees and failed to ensure safeguards with respect to medication dosing and administration.

30. As a direct and proximate result of the aforementioned negligence and failures of the Defendants named herein, individually, and by and through employees and/or agents, Corrinna L. Blake died.
31. The care and treatment rendered to Corrinna L. Blake by employees, agents, and servants of said Defendants named herein fell below the accepted standard of care, skill, and diligence for physicians, nurses, administrators, staff, and other health care or other personnel, and breached their duties or reasonable care owed to Corrinna L. Blake, and breached proximately resulted in injury, and ultimately, the death of Corrinna L. Blake.
32. Defendant Mount Carmel, by and through agents, servants and employees, is liable for the negligent acts and omissions of its agents and employees involved in the care and treatment of the decedent.
33. As a direct and proximate result of the failure of the Defendants named herein, individually and by and through agents and/or employees, to discharge their duties of care owed to Corrinna L. Blake and their failure to meet the accepted standards of care, skill, and diligence, Corrinna L. Blake suffered physical pain, mental anguish, medical bills, and ultimately death.

34. Defendants John Doe Physician #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5 and John Does Employees #1-5 fell below the acceptable standard of care, skill, and diligence form physicians, nurses, pharmacists, aides, technicians, employees, and other medical personnel practicing in Ohio and other similar communities in the care and treatment of Plaintiff's decedent, Corrinna L. Blake. Specifically, said Defendants, individually and by and through their doctors, nurses, pharmacists, administrators, staff, and employees, failed to meet the accepted standard or care, skill, and diligence in the treatment they provided to Corrinna L. Blake by ordering and administering a lethal dose of Fentanyl. Defendants were negligent in other respects as well.
35. As a direct result of the aforementioned negligence and failure of Defendants John Doe Physician #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5 and John Does Employees #1-5, Plaintiff descendent, Corrinna L. Blake died.
36. The care and treatment rendered to Corrinna L. Blake by John Doe Physicians #1-5, John Doe Pharmacists #1-5, John Doe Nurses #1-5, and John Doe Employees #1-5 fell below the accepted standard of care, skill, and diligence for physicians, pharmacists, nurses, administrators, staff, and other health care or other personnel, and breached their duties of reasonable care owed to Corrinna L. Blake, and breach proximately resulted in injury, and ultimately, the death of Corrinna L. Blake .
37. As a further direct and proximate result of the failure of John Doe Physician #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5 and John Does Employees #1-5 to discharge their duties of care owed to Corrinna L. Blake and their failure to meet the accepted standards of care, skill, and diligence, Corrinna L. Blake suffered physical pain, mental anguish, fear of impending death and ultimately, death.

38. Defendant John Doe Corporations #1-5, by and through agents and/or employees breached their duty of reasonable care owed to the Plaintiff's decedent. Defendants John Doe Corporations #1-5 are liable for the negligent acts and omissions of its/their employees. The care and treatment rendered to Plaintiff's decedent by employees, agents, and servants of Defendants John Doe Corporations #1-5 fell below the acceptable standard of care for physicians, pharmacists, nurses, and other personnel and breached their duties of care owed to Corrinna L. Blake by ordering and administering a lethal dose of Fentanyl. Defendants were negligent in other respects as well.
39. As a direct and proximate result of the aforementioned negligence and failures of the Defendant John Doe Corporations #1-5, by and through employees and/or agents, Plaintiff's decedent, Corrinna L. Blake died.
40. As a further direct and proximate result of the failure of employees and/or agents of Defendants John Doe Corporations #1-5, to discharge their duties of care owed to Corrinna L. Blake and their failure to meet the accepted standards of care, skill, and diligence, Corrinna L. Blake suffered physical pain, mental anguish, fear of impending death and ultimately, death.

PLAINTIFF'S SECOND CAUSE OF ACTION
(Wrongful Death)

41. Plaintiff incorporates by reference any and all statements and allegations contained in Paragraphs 1 through 40, as if fully rewritten in Plaintiff's Second Cause of Action.
42. The named Defendants, individually and by and through their agents and employees, were negligent and fell below the accepted standard of care, skill, and diligence for health care providers, and medical provider employees in Ohio or other similar communities in their care and treatment of Plaintiff's decedents, Corrinna L. Blake. Specifically, said

Defendants, individually and by and through their doctors, nurses, pharmacists, aides, technicians, administrators, staff and employees failed to meet the accepted standard of care, skill, and diligence owed to Corrinna L. Blake by ordering and administering a lethal dose of Fentanyl. Defendants were negligent in other respects as well.

43. Defendants John Doe Physician #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5 and John Does Employees #1-5 fell below the accepted standards of care, skill, and diligence for physicians, nurses, pharmacists, employees, and other medical personnel practicing in Ohio and other similar communities in the care and treatment of Plaintiff's decedent, Corrinna L. Blake. Specifically, said Defendants, by and through their doctors, pharmacists, nurses, administrators, staff and employees, failed to meet the accepted standard of care, skill, and diligence owed to Corrinna L. Blake by ordering and administering a lethal dose of Fentanyl. Defendants were negligent in other respects as well.

44. Defendants John Doe Corporations #1-5, by and through their agents and/or employees, breached their duty of reasonable care owed to Plaintiff's decedent, Corrinna L. Blake, and Defendants John Doe Corporations #1-5 are liable for the negligent acts and omissions of their agents, employees and/or servants. The care and treatment rendered to Plaintiff's decedent, Corrinna L. Blake, by employees, agents, and/or servants of Defendants John Doe Corporations #1-5 fell below the accepted standards of care for physicians, nurses, pharmacists and other personnel and breached their duty of care owed to Plaintiff's decedent, Corrinna L. Blake.

45. As a direct and proximate result of the negligence of all named Defendants, individually and by and through agents and/or employees, and their failure to meet accepted standards

of care, skill, and diligence, the decedent, Corrinna L. Blake, died wrongfully on September 25, 2018.

46. As a direct and proximate result of the aforementioned failures and negligence of the Defendants, individually, as well as by and through their agents and/or employees, and the resulting death of the decedent, Corrinna L. Blake, her estate incurred funeral expenses as well as other expenses.

47. As a further direct and proximate result of the aforementioned failures and negligence of the Defendants, individually, as well as by and through their agents and/or employees, and the premature wrongful death of Corrinna L. Blake, her heirs including, but not limited to, her daughter Crystal Blake, as well as numerous other next of kin, suffered mental anguish and emotional distress. In addition, her survivors lost the support, services and prospective inheritance of Corrinna L. Blake. Her survivors also lost the decedent's society, including loss of companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, and education. Corrinna L. Blake's survivors expect to suffer continued mental anguish, emotional distress, loss of support, services, and society indefinitely into the future.

48. By virtue of the doctrine of *respondeat superior*, Defendant Mount Carmel and John Doe Corporations #1-5 are and remain liable for the decedent's death.

49. By virtue of the doctrine of *agency by estoppel*, Defendant Mount Carmel and John Doe Corporations #1-5 are and remain liable for the decedent's death.

PLAINTIFF'S THIRD CAUSE OF ACTION
(Negligent Infliction of Severe Emotional Distress)

50. Plaintiff incorporates by reference any and all statements and allegations contained in Paragraphs 1 through 49, as fully rewritten in Plaintiff's Third Cause of Action.

51. As a direct and proximate result of the aforementioned negligence and failure of the named Defendant's, individually, and by and through employees and/or agents, Defendants administered an excessive dose of Fentanyl which hastened Corrinna L. Blake's death.
52. As a direct and proximate result of Defendants' negligence, Plaintiffs suffered and will continue to suffer from emotional distress and anguish from the after-acquired knowledge that their mother/sister was negligently or intentionally killed.
53. Plaintiffs daughter and other family members were caused debilitating emotional distress that is a direct and proximate result of the negligent conduct of the Defendants named herein and was reasonably foreseeable by said Defendants at the time that their negligent conduct occurred.

PLAINTIFF'S FOURTH CAUSE OF ACTION
(Punitive Damages)

54. Plaintiff incorporates by and through reference any and all statements and allegations contained in Paragraphs 1 through 53, as fully rewritten in Plaintiff's Fourth Cause of Action.
55. By virtue of the aforementioned failures and negligence of the Defendants, individually, as well as by and through their agents and/or employees, defendants acted willfully, wantonly, and with reckless misconduct and malice towards decedent Corrinna L. Blake.
56. As a direct and proximate result of the defendants' conduct, the defendants are all liable for punitive damages.

DEMAND

Wherefore, Plaintiff Crystal Blake, Individually and as Proposed Administrator of the Estate of Corrinna L. Blake, deceased, demands judgement against each and every Defendant named herein, jointly and severally, on all claims presented herein as to medical

negligence and wrongful death or otherwise and an award of compensatory, punitive, consequential, incidental, special, and medical damages in an amount greater than Twenty-Five Thousand Dollars (\$25,000.00) together with costs herein expended and such other relief as may be just and appropriate in this case.

Respectfully Submitted,

/s/ Peter B. Rodocker
Peter B. Rodocker (0067672)
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Counsel for Plaintiff

JURY DEMAND

(8). Now comes the Plaintiff and demands that the within matter be tried by a jury of eight

/s/ Peter B. Rodocker
Peter B. Rodocker (0067672)
Attorney for Plaintiff