

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO  
GENERAL DIVISION

**HARRY BUZZARD, as Administrator  
of the Estate of  
SHERRY WHITE**  
81 South Richardson Avenue  
Columbus, Ohio 43204

Plaintiff,

vs.

**MOUNT CARMEL HEALTH SYSTEM  
D/B/A MOUNT CARMEL WEST**  
c/o CT Corporation System, Agent  
4400 Easton Commons Way, Suite 125  
Columbus, Ohio 43219

and

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

and

**BO CHENG, RPH**  
2329 Eastcleft Drive  
Columbus, Ohio 43221

and

**TYLER RUDMAN, RN**  
5126 Thornhill Court  
Grove City, Ohio 43123

Defendants.

Case No: 19-CV-\_\_\_\_\_

Judge \_\_\_\_\_

*Jury Demand Endorsed Hereon*

---

COMPLAINT

---

FACTS AND JURISDICTION

1. Pursuant to R.C. 2305.21, Plaintiff Harry Buzzard brings this action as the duly appointed Administrator of the Estate of Sherry White for the exclusive benefit of the next of kin.

2. Defendant Mount Carmel Health System (“Mount Carmel”) is an Ohio corporation, doing business as Mount Carmel West, which is located in Columbus, Franklin County, Ohio. Mount Carmel provides treatment, by and through its actual and ostensible agents and employees, to those in need of medical care.

3. Defendant William S. Husel, D.O. (“Defendant Husel”), with offices in Franklin County, Ohio, is duly licensed to practice osteopathic medicine by and in the State of Ohio. At all times relevant, Defendant Husel provided treatment for consideration to those in need of medical care as an employee and/or agent of Mount Carmel.

4. Defendant Bo Cheng, RPh (“Defendant Cheng”) is a resident of Columbus, Franklin County, Ohio who is a registered pharmacist by and in the State of Ohio. At all times relevant, Defendant Cheng was a pharmacist providing pharmacy services as an employee and/or agent of Mount Carmel.

5. Defendant Tyler Rudman, RN (“Defendant Rudman”) is a resident of Grove City, Franklin County, Ohio who is a registered nurse by and in the State of

Ohio. At all times relevant, Defendant Rudman provided nursing care and services to patients as an employee and/or agent of Mount Carmel.

6. Defendants, individually or by and through agents and/or employees, were involved in medical care and treatment of Sherry White on September 26, 2014, while he was a patient at Mount Carmel.

7. Sherry White was brought to Mount Carmel on September 24, 2014, due to concern for sepsis. Sherry was admitted to the ICU for aggressive treatment with fluids and antibiotics. However, her condition did not improve.

8. Ultimately, Defendant Husel discussed changing Sherry's code status to DNR, to which Plaintiff agreed. Shortly thereafter, Sherry White was prescribed, and administered, the inappropriate dose of Fentanyl.

9. At 2:38 AM on September 26, 2014, Defendant Husel ordered that 100 micrograms (mcg) of Fentanyl be given to Sherry White pushed through her IV line, followed by another order for 100 mcg at 2:53 AM. These were given under the guise of "comfort care."

10. This inappropriate dose of Fentanyl was either ordered negligently and not properly reviewed, or was intentionally prescribed by Defendant Husel for the purposes of hastening the termination of Sherry White's life.

11. Despite the inappropriate order of Fentanyl, Mount Carmel's electronic medical records system failed to flag and alert Sherry White's medical providers that such an order appeared to be in error. Alternatively, this excessive dose of Fentanyl was flagged and/or alerted by the system as inappropriate, but Defendants ignored the

alerts because the order was intended to hasten the termination of Sherry White's life.

12. Defendant Husel's order of an inappropriate dosage of Fentanyl was reviewed and approved by Mount Carmel's pharmacist - Defendant Cheng - and the medication was made available to Defendant Rudman, Virginia's nurse in the ICU.

13. Defendant Cheng knew that the ordered dosage of Fentanyl was inappropriate, served no therapeutic purpose or function, and would only serve to hasten the termination of Sherry White's life.

14. Defendant Rudman, administered the doses of Fentanyl on September 26, 2014 at 2:39 AM and 2:55 AM, with full knowledge that such an inappropriate dose of Fentanyl would hasten the termination of Sherry White's life.

15. Sherry White was pronounced dead at approximately 2:58 AM on September 26, 2014, just 3 minutes after receiving the Fentanyl. Sherry was 73 years old when she died.

16. On January 24, 2019, Plaintiff received a call from a physician-administrator affiliated with Mount Carmel. That administrator informed him that Sherry White received an excessive dosage of pain medication from Defendants, but claimed it was not the "cause of her death."

17. As to the medical claims included herein, an Affidavit of Merit is attached hereto as Exhibit 1, and incorporated herein as contemplated by Civ.R. 10(D)(2).

PLAINTIFF'S CLAIMS FOR RELIEF AGAINST DEFENDANTS

**Count I: Battery (Survivorship)**

18. Defendants, individually or by and through agents or employees, intentionally ordered and administered an inappropriate dosage of Fentanyl designed to cause serious harm and death to Sherry White, on September 26, 2014.

19. The administration of Fentanyl to Sherry White was harmful and offensive.

20. Sherry White did not consent to receiving this inappropriate dose of Fentanyl from Defendants.

21. Defendants' administration of the inappropriate dose of Fentanyl to Sherry White exhibited a reckless disregard for her health and safety.

22. As a direct and proximate result of the conduct of Defendants, Sherry White suffered significant harm and death.

**Count II: Medical Negligence (Survivorship)**

23. Defendants, individually and/or vicariously by and through agents or employees, were professionally negligent and fell below the accepted standards of care in that they failed to exercise the degree of care required under similar circumstances by, *inter alia*, prescribing, providing, and administering an inappropriate dosage of Fentanyl to Sherry White.

24. As a direct and proximate result of the negligence of Defendants, Sherry White suffered severe and permanent injuries resulting from the inappropriate dosage of Fentanyl she was given, including a loss of life expectancy.

**Count III: Intentional Infliction of Emotional Distress**

25. In taking the actions described herein, Defendants, either individually or by and through actual or ostensible agents and/or employees, intended to cause serious emotional harm to Sherry White and her next of kin, or knew their actions would necessarily result in such emotional harm.

26. Defendants, either individually or by and through actual or ostensible agents and/or employees engaged in extreme and outrageous conduct as described herein.

27. As a direct and proximate result of the intentional conduct of Defendants, Sherry White suffered severe and permanent injuries, including a loss of life expectancy and a wrongful death.

28. As a direct and proximate result of the intentional conduct of Defendants, and the injuries and wrongful death of Sherry White, Plaintiff's beneficiaries suffered serious emotional distress and harm.

**Count IV: Wrongful Death**

29. As a direct and proximate result of the intentional acts or omissions, negligence, and/or professional negligence of Defendants as set forth above, Sherry White suffered a wrongful death on September 26, 2014.

30. As a further direct and proximate result of the negligence and/or professional negligence of the Defendants and the wrongful death of Sherry White, her next of kin have suffered mental anguish as well as pecuniary and non-pecuniary losses, including, but not limited to, loss of society, support, services, care, assistance,

attention, protection, advice, guidance, counsel, instruction, training, and education, and any other items specified in R.C. 2125.02(B).

31. As a further direct and proximate result of the negligence and/or professional negligence of Defendants and the wrongful death of Sherry White, the Estate has incurred reasonable burial and funeral expenses.

**PLAINTIFF'S CLAIMS FOR RELIEF AGAINST MOUNT CARMEL**

**Count V: Negligent Credentialing**

32. Mount Carmel granted privileges to Defendant Husel, when he was inadequately trained and incompetent to perform critical care and anesthesia services.

33. Defendant Husel was negligent in his treatment of Sherry White, and as a direct and proximate result of that negligence, she suffered injuries and a wrongful death.

34. In addition to his negligence in treating Sherry White, Defendant Husel is alleged to have been negligent in providing care to additional patients under similar circumstances to those presented in this case.

35. Mount Carmel had a duty to evaluate and determine the ability and competency of Defendant Husel to care for patients commensurate with his licensure and within the applicable standard of care.

36. Mount Carmel, by and through their employees, agents, and staff physician committees, was negligent in selecting or retaining Defendant Husel and/or in granting him staff privileges.

37. Mount Carmel continued to allow, and/or failed to revoke Defendant Husel's privileges at its facilities when it knew or should have known of Defendant Husel's incompetence and/or history of practicing medicine so as to fall below the applicable standard of care.

38. Mount Carmel failed to adequately review and evaluate Defendant Husel's education, character, fitness to practice osteopathic medicine, and his past performance as a specialist.

39. Mount Carmel ignored or failed to investigate the care and treatment provided by Defendant Husel to other patients, including failing to investigate patient complaints and/or other evidence of Defendant Husel's incompetence.

40. Mount Carmel committed other acts or omissions constituting the tort of negligent credentialing, which may be determined during the discovery process or trial.

41. But for the negligence of Mount Carmel, Defendant Husel would not have been granted staff privileges to care for critical care patients at its facilities.

42. But for the negligence of Mount Carmel in selecting and/or retaining Defendant Husel, he would not have been granted staff privileges, and Sherry White would not have suffered the above described injuries and damages.

**Count VI: Negligent Supervision**

43. On information and belief, Defendants Husel, Cheng, and Rudman were employees of Mount Carmel at all times relevant, acting within the scope of their employment when they provided care and treatment to Sherry White, including the ordering, approval, and administration of the inappropriate dose of Fentanyl.



44. Defendants Husel, Cheng, and Rudman were not competent to care for patients in the manner in which they engaged while employees of Mount Carmel.

45. Mount Carmel was aware either actually, or constructively, of the incompetence of Defendants Husel, Cheng, and Rudman.

46. The actions of Defendants Husel, Cheng, and Rudman, as set forth herein, caused significant and permanent injury to Sherry White, including her wrongful death, all of which resulted in damages to Plaintiff and the next of kin.

47. Mount Carmel's negligence in supervising its employees, Defendants Husel, Cheng, and Rudman, was a direct and proximate cause of the harm suffered by Sherry White and Plaintiff.

#### PUNITIVE DAMAGES

48. The conduct of Defendants could only result from Mount Carmel's systemic deficiencies and practices, which Mount Carmel failed to remedy, and which resulted in significant harm to at least 34 patients, including Sherry White.

49. Defendants' engaged in willful, wanton, and reckless misconduct and malice, exhibiting a reckless disregard for the health and safety of their patients, including Sherry White, and created a great probability of causing substantial harm.

50. As a direct and proximate result of Defendants' egregious misconduct, Sherry White suffered injury and a wrongful death, as set forth above.

**WHEREFORE**, Plaintiff demands judgment against Defendants, jointly and severally, in an amount in excess of \$25,000.00, plus interest, the costs of this action, and any other relief this Court deems just and equitable, including punitive damages for the

intentional, egregious, and reckless misconduct of Defendants.

Respectfully submitted,

/s/ Gerald S. Leeseberg

Gerald S. Leeseberg (0000928)

Anne M. Valentine (0028286)

Craig S. Tuttle (0086251)

LEESEBERG & VALENTINE

175 S. Third Street, Penthouse One

Columbus, Ohio 43215

Tel: 614/221.2223

Fax: 614/221.3106

Email: [gsl@leesebergvalentine.com](mailto:gsl@leesebergvalentine.com)

[avalentine@leesebergvalentine.com](mailto:avalentine@leesebergvalentine.com)

[ctuttle@leesebergvalentine.com](mailto:ctuttle@leesebergvalentine.com)

*Attorneys for Plaintiff*

**JURY DEMAND**

Plaintiff hereby respectfully demands a jury of eight as to all issues contained herein.

/s/ Gerald S. Leeseberg

Gerald S. Leeseberg

AFFIDAVIT OF MERIT

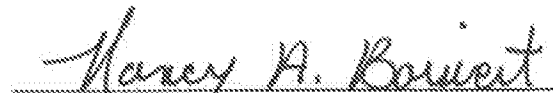
Steven B. Bird, M.D., being first duly sworn, states the following to be true:

1. I submit this Affidavit of Merit in accordance with Ohio Civil Rule 10(D)(2)(a).
2. I am licensed to practice medicine by the Massachusetts Board of Registration in Medicine and am board certified in Emergency Medicine and Toxicology.
3. I devote at least one-half of my professional time to the active clinical practice of medicine, or to its instruction in an accredited school.
4. I have reviewed all medical records reasonably available to Plaintiff concerning the allegations contained in the Complaint.
5. I am familiar with the applicable standards of care in this case.
6. In my opinion, the standard of care was breached by Defendants and such breaches were a direct and proximate cause of injuries and death to Sherry White.



STEVEN B. BIRD, M.D.

Sworn to and subscribed before me on February 15th, 2019.



NOTARY PUBLIC

