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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

DANYAL TATUM,

Plaintiff,

2013-131721-NH
JUDGE NANCI GRANT

-vs-

NO. 12 NH

JACOB KALO, M.D., P.C.,
d/b/a WESTERN WOMEN'S CENTER,
and JACOB KALO, M.D., Jointly & Severally,

Defendants.

HOWARD J. VICTOR (P27811)
Attorney for Plaintiff
30445 Northwestern Highway, Suite 210
Farmington Hills, MI 48334
(248) 737-9101

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action not between these parties arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred or otherwise disposed of after having been assigned to a judge in this Court.

/s/ Howard J. Victor

HOWARD J. VICTOR (P27811)

COMPLAINT AND DEMAND FOR TRIAL BY JURY

NOW COMES the Plaintiff, DANYAL TATUM, by and through counsel, WORSHAM & VICTOR, P.C., and for her cause of action against the Defendants, JACOB KALO, M.D., P.C., d/b/a WESTERN WOMEN'S CENTER and JACOB KALO, M.D., presents unto this Honorable Court the following:

COUNT I
[GENERAL ALLEGATIONS]

1. That the Plaintiff, DANYAL TATUM, [hereinafter DANYAL], is a resident of the City of Farmington, County of Oakland, and State of Michigan.

2. That the Defendant, JACOB KALO, M.D., P.C., d/b/a WESTERN WOMEN'S CENTER [hereinafter WESTERN WOMEN'S] is a domestic professional service corporation conducting business at 6765 Orchard Lake Road, in the City of West Bloomfield, County of Oakland, and State of Michigan.

3. That JACOB KALO, M.D., P.C., has as its registered agent, JACOB KALO, M.D., 5295 Middlebelt Road, West Bloomfield, MI 48323.

4. That the Defendant, JACOB KALO, M.D. [hereinafter DR. KALO], is a duly licensed physician in the State of Michigan and was, and at all times relevant herein, an employee, agent, servant, officer and/or representative of Defendants, JACOB KALO, M.D., P.C. d/b/a WESTERN WOMEN'S CENTER, acting within the scope of such capacity.

5. That the incident giving rise to this Complaint against Defendants arose in the City of West Bloomfield, County of Oakland, State of Michigan and venue is proper pursuant to MCL 600.1629.

6. That at the time of the incident at issue, Plaintiff, DANYAL, was a 32 year old, single, African American female with one dependant, Daniel Tatum.

7. That DANYAL had no complications with her pregnancy and delivery of Daniel Tatum.

8. That In July of 2011, DANYAL discovered she was pregnant after taking a home pregnancy test.

9. That on or around July 6, 2011, DANYAL called DR. KALO'S office to discuss an abortion and schedule an appointment.

10. That DANYAL was advised to fill out paperwork online before coming to the appointment.

11. That on or around July 7, 2011, DANYAL arrived at WESTERN WOMEN'S around 12:00 p.m. for her appointment to have an abortion procedure.

12. That DANYAL chose to receive local anesthesia and was given Valium and IV medication.

13. That after she was given the shot, she was told to lie down and wait because the doctor was coming from a different location.

14. That after waiting for some time, DR. KALO arrived and began the procedure.

15. That approximately two minutes after starting the procedure, DR. KALO told DANYAL that he had to stop the procedure because the tip of the surgical instrument he was using, a 7 mm suction tube, broke off inside DANYAL'S uterus, and he was unable to get the instrument out.

16. That DR. KALO told DANYAL she should go to Hutzel Hospital instead of a closer hospital.

17. That when DANYAL asked DR. KALO why she should go to the farther hospital, DR. KALO said because "the doctors wouldn't know what to do, you need to go to Hutzel."

18. That Dr. KALO gave DANYAL'S friend, Lejoia Washington, a note on a prescription pad indicating what happened to DANYAL to take to Hutzel Hospital.

19. That DANYAL went to the emergency room at Hutzel Hospital.

20. That DANYAL gave the prescription that DR. KALO gave them to the nurse and told the nurse that she was in 10/10 aching, cramping and sharp pain and that she could feel the instrument moving around inside of her.

21. That the emergency room physician asked why DANYAL had come all the way from West Bloomfield to Hutzel Hospital, to which DANYAL told the emergency room physician what Dr. KALO said.

22. That DANYAL was experiencing intense pain in the abdomen and vaginal area, along with vaginal bleeding, including large blood clots.

23. That the ER physician ordered an acute abdominal series and an ultrasound.

24. That the radiologist reported a foreign body in the cervix and DANYAL was given morphine for the pain.

25. That the ER physician attempted to remove the instrument vaginally, but was unsuccessful.

26. That DANYAL was advised that the instrument would need to be surgically removed.

27. That DANYAL underwent surgery to remove the instrument performed by Susan Berman, M.D.

28. That the surgery took longer than the expected 20 minutes and multiple attempts were made to remove the instrument, but were unsuccessful.

29. That the surgical instrument was actually embedded in DANYAL'S uterine side wall and could not be removed.

30. That DANYAL had a surgical procedure to remove a foreign body and suction Dilation and Curettage performed by Dr. Kmak and Dr. Hendrix.

31. That the instrument that was finally removed from DANYAL'S uterine wall was a hollow plastic tube that measured approximately seven and a half (7.5) centimeters (cm) in length with a diameter of half (.5) centimeter (cm).

32. That the operative report indicates that "There was a superficial laceration on the anterior lip of the cervix which was repaired with running sutures of 3-0 vicryl."

33. That after the procedure, DANYAL was told that Dr. KALO created his own hole when he tried to insert the instrument.

34. That DANYAL got a work note from Dr. Kmak to be off work from July 8, 2011 to July 27, 2011.

35. That as a result of the negligence and breaches of the standard of care by the Defendants, the Plaintiff, DANYAL TATUM, underwent an improper and negligently performed abortion and required additional medical treatment, hospitalization and additional surgical procedures to remove a seven and a half (7.5) centimeter (cm) plastic surgical instrument.

36. That further, as a result of the negligence and breaches of the standard of care by the Defendants, the Plaintiff, DANYAL, suffered severe pain, discomfort, depression, humiliation, disability, loss of enjoyment of life, extensive out of pocket expenses, economic loss, scarring, and damage to her reproductive organs.

WHEREFORE, Plaintiff DANYAL TATUM, by and through counsel, WORSHAM & VICTOR, P.C., respectfully requests that this Honorable Court enter Judgment against the Defendants, JACOB KALO, M.D., P.C., d/b/a WESTERN WOMEN'S CENTER and JACOB KALO, M.D., in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), which the trier of fact determines she has suffered, together with costs, fees and interest she has so wrongfully been caused to sustain.

COUNT II
[DR. JACOB KALO, M.D., P.C., D/B/A WESTERN WOMEN'S CENTER]
NEGLIGENCE

37. That the Plaintiff, by and through counsel, WORSHAM & VICTOR, P.C., hereby incorporates by reference all the allegations set forth in Count I as if fully set forth herein.

38. That the Defendant, DR. JACOB KALO, M.D., P.C., d/b/a WESTERN WOMEN'S CENTER [hereinafter WESTERN WOMEN'S], by and through its agents, servants, officers, employees and/or representatives, including but not limited to, DR. JACOB KALO, M.D, owed a duty to Plaintiff, DANYAL TATUM, as a medical care provider, and that said duty was breached by deviations from the standard of practice of medicine, which said breaches of duty include by way of illustration and not limitation, the following:

- A. **WESTERN WOMEN'S**, a health care provider, breached the standard of care by failing to timely and properly select, train and monitor its employees, servants, agents, actual or ostensible, or its staff of physicians, to ensure that they were competent;
- B. **WESTERN WOMEN'S**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to have the proper training and ability to meet the patient's needs;
- C. **WESTERN WOMEN'S**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to inform the patient of possible risks involved in an abortion;
- D. **WESTERN WOMEN'S**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to perform the abortion without breaking off an instrument in Danyal Tatum's uterus;
- E. **WESTERN WOMEN'S**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to perform the procedure with the proper technique;
- F. **WESTERN WOMEN'S**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to perform the procedure in a non-negligent manner; and
- G. **WESTERN WOMEN'S**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to provide the appropriate follow up care and treatment for Danyal Tatum based on the information that was or should have been available.

39. That the Plaintiff's damages herein stated are a direct and proximate result of the negligence and the breaches of the standards of practice of medicine by the Defendants, as set forth above.

40. That as a result of the negligence and breaches of the standard of care by the Defendants, the Plaintiff, DANYAL TATUM, underwent an improper and negligently performed abortion and required additional medical treatment, hospitalization and additional surgical procedures to remove a seven and a half (7.5) centimeter (cm) plastic surgical instrument.

41. That further, as a result of the negligence and breaches of the standard of care by the Defendants, the Plaintiff, DANYAL, suffered severe pain, discomfort, depression, humiliation, disability, loss of enjoyment of life, extensive out of pocket expenses, economic loss, scarring, and damage to her reproductive organs.

WHEREFORE, Plaintiff DANYAL TATUM, by and through counsel, WORSHAM & VICTOR, P.C., respectfully requests that this Honorable Court enter Judgment against the Defendants, JACOB KALO, M.D., P.C., d/b/a WESTERN WOMEN'S CENTER and JACOB KALO, M.D., in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), which the trier of fact determines she has suffered, together with costs, fees and interest she has so wrongfully been caused to sustain.

COUNT III
[DR. JACOB KALO, M.D.]
NEGLIGENCE

42. That the Plaintiff, by and through counsel, WORSHAM & VICTOR, P.C., hereby incorporates by reference all the allegations set forth in Counts I-II as if fully set forth herein.

43. That at all times relevant herein, the Defendant, DR. JACOB KALO, M.D., owed a duty to Plaintiff, DANYAL TATUM, as a medical care provider and a licensed physician, and that said duty was breached by deviations from the standard of practice of medicine, which said breaches of duty include by way of illustration and not limitation, the following:

- A. **JACOB KALO, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to have the proper training and ability to meet the patient's needs;
- B. **JACOB KALO, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to inform the patient of possible risks involved in an abortion;
- C. **JACOB KALO, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the abortion without breaking off an instrument in Danyal Tatum's uterus;
- D. **JACOB KALO, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the procedure with the proper technique;
- E. **JACOB KALO, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the procedure in a non-negligent manner; and

F. JACOB KALO, M.D., as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to provide the appropriate follow up care and treatment for Danyal Tatum based on the information that was or should have been available.

44. That the Plaintiff's damages herein stated are a direct and proximate result of the negligence and the breaches of the standards of practice of medicine by the Defendants, as set forth above.

45. That as a result of the negligence and breaches of the standard of care by the Defendants, the Plaintiff, DANYAL TATUM, underwent an improper and negligently performed abortion and required additional medical treatment, hospitalization and additional surgical procedures to remove a seven and a half (7.5) centimeter (cm) plastic surgical instrument.

46. That further, as a result of the negligence and breaches of the standard of care by the Defendants, the Plaintiff, DANYAL, suffered severe pain, discomfort, depression, humiliation, disability, loss of enjoyment of life, extensive out of pocket expenses, economic loss, scarring, and damage to her reproductive organs.

WHEREFORE, Plaintiff DANYAL TATUM, by and through counsel, WORSHAM & VICTOR, P.C., respectfully requests that this Honorable Court enter Judgment against the Defendants, JACOB KALO, M.D., P.C., d/b/a WESTERN WOMEN'S CENTER and JACOB KALO, M.D., in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), which the trier of fact determines she has suffered, together with costs, fees and interest she has so wrongfully been caused to sustain.

Respectfully submitted:

WORSHAM & VICTOR P.C.

BY: /s/ Howard J. Victor
HOWARD J. VICTOR (P27811)
Attorney for Plaintiff
30445 Northwestern Highway
Suite 210
Farmington Hills, MI 48334
(248)737-9101

Dated: January 17, 2013

DEMAND FOR TRIAL BY JURY

NOW COMES the Plaintiff, DANYAL TATUM, by and through counsel, WORSHAM & VICTOR, P.C., and hereby demands trial by jury in the within cause.

Respectfully submitted:

WORSHAM & VICTOR P.C.

BY: /s/ Howard J. Victor
HOWARD J. VICTOR (P27811)
Attorney for Plaintiff
30445 Northwestern Highway
Suite 210
Farmington Hills, MI 48334
(248)737-9101

Dated: January 17, 2013

patient such as Danyal Tatum, owed a duty to perform the procedure with the proper technique;

- E. The standard of care required that **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, owed a duty to perform the procedure in a non-negligent manner; and
 - F. The standard of care required that **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, owed a duty to provide the appropriate follow up care and treatment for Danyal Tatum based on the information that was or should have been available.
2. ***Jacob Kalo, M.D., P.C., FACOG***
- A. The standard of care required that **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, owed a duty to have the proper training and ability to meet the patient's needs;
 - B. The standard of care required that **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, owed a duty to inform the patient of possible risks involved in an abortion;
 - C. The standard of care required that **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, owed a duty to perform the abortion without breaking off an instrument in Danyal Tatum's uterus;
 - D. The standard of care required that **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, owed a duty to perform the procedure with the proper technique;
 - E. The standard of care required that **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, owed a duty to perform the procedure in a non-negligent manner; and
 - F. The standard of care required that **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, owed a duty to provide the appropriate follow up care and treatment for Danyal

Tatum based on the information that was or should have been available.

3. *Western Women's Center*

- A.** The standard of care required that **Western Women's Center**, a health care provider, owed a duty to timely and properly select, train, and monitor its employees, servants, agents, actual or ostensible, or its staff of physicians, to ensure that they were competent;
- B.** The standard of care required that **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to ensure that its agents and employees were properly trained and had the ability to meet the patient's needs;
- C.** The standard of care required that **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to inform the patient of possible risks involved in an abortion;
- D.** The standard of care required that **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to perform the abortion without breaking off an instrument in Danyal Tatum's uterus;
- E.** The standard of care required that **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to perform the procedure with the proper technique;
- F.** The standard of care required that **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to perform the procedure in a non-negligent manner; and
- G.** The standard of care required that **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, owed a duty to provide the appropriate follow up care and treatment for Danyal Tatum based on the information that was or should have been available.

THE MANNER IN WHICH IT IS CLAIMED THAT THE APPLICABLE STANDARD OF PRACTICE OR CARE WAS BREACHED:

1. **Jacob Kalo, M.D.**

- A. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to have the proper training and ability to meet the patient's needs;
- B. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to inform the patient of possible risks involved in an abortion;
- C. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the abortion without breaking off an instrument in Danyal Tatum's uterus;
- D. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the procedure with the proper technique;
- E. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the procedure in a non-negligent manner; and
- F. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to provide the appropriate follow up care and treatment for Danyal Tatum based on the information that was or should have been available.

2. **Jacob Kalo, M.D., P.C., FACOG**

- A. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to have the proper training and ability to meet the patient's needs;
- B. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to inform the patient of possible risks involved in an abortion;

- C. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the abortion without breaking off an instrument in Danyal Tatum's uterus;
 - D. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the procedure with the proper technique;
 - E. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the procedure in a non-negligent manner; and
 - F. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to provide the appropriate follow up care and treatment for Danyal Tatum based on the information that was or should have been available.
3. ***Western Women's Center***
- A. **Western Women's Center**, a health care provider, breached the standard of care by failing to timely and properly select, train, and monitor its employees, servants, agents, actual or ostensible, or its staff of physicians, to ensure that they were competent;
 - B. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to ensure that its agents and employees were properly trained and had the ability to meet the patient's needs;
 - C. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to inform the patient of possible risks involved in an abortion;
 - D. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the abortion without breaking off an instrument in Danyal Tatum's uterus;

- E. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the procedure with the proper technique;
- F. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to perform the procedure in a non-negligent manner; and
- G. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, breached the standard of care by failing to provide the appropriate follow up care and treatment for Danyal Tatum based on the information that was or should have been available.

THE ACTION WHICH SHOULD HAVE BEEN TAKEN IN ORDER TO ACHIEVE COMPLIANCE WITH THE STATUTE:

- 1. **Jacob Kalo, M.D.**
 - A. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have had the proper training and ability to meet the patient's needs;
 - B. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have informed the patient of possible risks involved in an abortion;
 - C. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have performed the abortion without breaking off an instrument in Danyal Tatum's uterus;
 - D. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have performed the procedure with the proper technique;
 - E. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have performed the procedure in a non-negligent manner; and
 - F. **Jacob Kalo, M.D.**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have provided the appropriate follow up care and treatment for Danyal

Tatum based on the information that was or should have been available.

2. ***Jacob Kalo, M.D., P.C., FACOG***

- A. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have had the proper training and ability to meet the patient's needs;
- B. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have informed the patient of possible risks involved in an abortion;
- C. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have performed the abortion without breaking off an instrument in Danyal Tatum's uterus;
- D. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have performed the procedure with the proper technique;
- E. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have performed the procedure in a non-negligent manner; and
- F. **Jacob Kalo, M.D., P.C., FACOG**, as a reasonable and prudent licensed physician, when presented with a patient such as Danyal Tatum, should have provided the appropriate follow up care and treatment for Danyal Tatum based on the information that was or should have been available.

3. ***Western Women's Center***

- A. **Western Women's Center**, a health care provider, should have timely and properly selected, trained, and monitored its employees, servants, agents, actual or ostensible, or its staff of physicians, to ensure that they were competent;
- B. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal

Tatum, should have properly trained its agents and employees and ensured that they had the ability to meet the patient's needs;

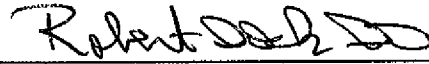
- C. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, should have informed the patient of possible risks involved in an abortion;
- D. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, should have performed the abortion without breaking off an instrument in Danyal Tatum's uterus;
- E. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, should have performed the procedure with the proper technique;
- F. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, should have performed the procedure in a non-negligent manner; and
- G. **Western Women's Center**, a health care provider, via its agents and employees, when presented with a patient such as Danyal Tatum, should have provided the appropriate follow up care and treatment for Danyal Tatum based on the information that was or should have been available.

THE MANNER IN WHICH THE BREACH OF THE STANDARD OF PRACTICE OR CARE WAS THE PROXIMATE CAUSE OF INJURY:

As a result of the negligence and breaches of the standard of care by **Jacob Kalo, M.D., Jacob Kalo, M.D., P.C., FACOG**, and **Western Women's Center**, as set forth above Danyal Tatum received improper and negligent performance of an abortion, which caused Danyal Tatum to be rushed to a hospital where she had to undergo additional surgery to have part of an instrument surgically removed from her uterus.

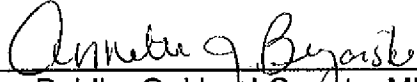
In order to repair this injury, Danyal Tatum has required additional medical treatment, hospitalization, and additional surgical procedures. She has suffered severe pain, discomfort, depression, disability, and a loss of enjoyment of life. She has also incurred extensive out of pocket expenses and other economic loss. Had **Jacob Kalo, M.D., Jacob Kalo, M.D., P.C., FACOG**, and **Western Women's Center** adhered to the standard of care, as set forth above, Danyal Tatum would not have experienced said damages.

THIS AFFIDAVIT OF MERIT IS BASED UPON INFORMATION WHICH HAS BEEN PRESENTLY REVIEWED AND IS SUBJECT TO CHANGE OR MODIFICATION UPON RECEIPT OF ADDITIONAL OR FURTHER INFORMATION.



ROBERT DOCK, D.O.
Board Certified, Obstetrics & Gynecology

Subscribed and sworn to before me
on this 3rd day of October, 2012



Notary Public, Oakland County, MI
My commission expires: 4-11-14
Acting in Oakland County, MI