



**PAVAN PARIKH
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
June 9, 2023 11:33 AM
PAVAN PARIKH
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1331039**

JERRY W COLLINS

A 2302477

vs.

BETHESDA NORTH

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH JURY
DEMAND**

PAGES FILED: 11

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JERRY W. COLLINS, Executor for the
Estate of JUDY HELEN COLLINS
2485 Stahlhaber Road
Hamilton, Ohio 45013

Plaintiffs,

vs.

BETHESDA NORTH
10500 Montgomery Road
Cincinnati, Ohio 45242-4402

and

BETHESDA NORTH
c/o Bethesda Hospital, Inc.
619 Oak Street
Cincinnati, Ohio 45206

and

TRIHEALTH, INC.
c/o OSAC, Inc.
100 S. Third Street
Columbus, Ohio 43215

and

BETHESDA, INC.
c/o OSAC, Inc.
100 S. Third Street
Columbus, Ohio 43215

and

) CASE NO:

) **COMPLAINT**

) **JURY DEMAND ENDORSED**
) **HEREON**

) **(Affidavits Attached)**

) **REFILED CASE**

) **Prior Case No. A 20 03260**
) **Prior Judge: Christopher**
) **Wagner**

ROBERT GRAYDON BRADLEY, MD)
 TriHealth Surgical Institute)
 10506 Montgomery Road, Suite 304)
 Cincinnati, Ohio 45242)
)
 and)
)
 TRIHEALTH SURGICAL INSTITUTE)
 c/o TriHealth G, LLC)
 625 Eden Park Drive)
 Cincinnati, Ohio 45202)
)
 and)
)
 SEAN A. LITHERLAND, MD)
 Tristate IMG)
 375 Dixmyth Avenue)
 Cincinnati, Ohio 45220)
)
 and)
)
 TRISTATE IMG (Imaging Medical Group),)
 INC.)
 c/o Francis Schlueter, MD)
 375 Dixmyth Avenue)
 Cincinnati, Ohio 45220)
)
 and)
)
 JOHN DOES 1 THROUGH 10, Inclusive)
 Names and addresses unknown to Plaintiff)
 at this time)
)
 Defendants.)

1. Jerry W. Collins is the Executor for the Estate of Judy Helen Collins,
 deceased, having been appointed by the Probate Court of Butler County, Ohio.

2. Mrs. Judy Collins was 73 years old at the time of her death on November 28, 2019.

3. Robert Graydon Bradley, MD and Sean A. Litherland, MD are and were physicians licensed to practice medicine in Ohio, who held themselves out to the public, and Judy Collins as competent to provide medical care.

4. Bethesda North; TriHealth, Inc; Bethesda, Inc.; TriHealth Surgical Institute; and Tristate IMG (Imaging Medical Group), Inc. are and were duly organized corporations under the laws of Ohio, in the business of delivering medical care in Hamilton County, Ohio.

5. Bethesda North; TriHealth, Inc; Bethesda, Inc.; TriHealth Surgical Institute; and Tristate IMG (Imaging Medical Group), Inc. held themselves out to the public directly and through their agents and/or employees, including Judy Collins as providers of competent medical care.

6. As a result of the medical care and treatment provided, Judy Collins underwent medical care and treatment, experienced great pain and suffering, suffered great pain of body and mind, a loss of enjoyment of life, loss of wages, mental anguish and death.

COUNT I

7. Plaintiff incorporates herein by reference all of the statements and allegations made in Paragraphs 1 through 6, the same, as if fully rewritten herein.

8. Defendants Bethesda North; TriHealth, Inc; Bethesda, Inc.; TriHealth Surgical Institute; and Tristate IMG (Imaging Medical Group), Inc. are and were, at all times relevant hereto, professional corporations or businesses duly organized under the laws of Ohio, which held themselves out to the public directly and through their agents and/or employees, including Judy Collins herein, as competent and qualified to provide safe and adequate medical care and treatment.

9. Robert Graydon Bradley, MD and Sean A. Litherland, MD are and/or were, at all times relevant hereto, practicing as medical doctors and held themselves out to the public directly and through their agents and/or employees, including Judy Collins as competent and qualified to provide safe and adequate medical care and treatment. Further, said Defendants were employees of Defendants Bethesda North; TriHealth, Inc; Bethesda, Inc.; TriHealth Surgical Institute; and Tristate IMG (Imaging Medical Group), Inc. and/or were under an agreement and/or arrangement and/or relationship known only to them at this time.

10. Judy Collins came under the care and treatment of Defendants. While under their care and treatment, Defendants were negligent, including but not limited to, failing to properly and promptly test for, monitor, properly diagnose, and treat Judy Collins and failed to provide appropriate follow-up care to Judy Collins.

11. Defendants took on the responsibility of caring and treating for Judy Collins, but failed to make appropriate differential decisions and failed to administer proper care and treatment to Judy Collins, resulting in her injuries and death on November 28, 2019.

12. The care and treatment provided to Judy Collins by the Defendants fell below acceptable standards of medical care and treatment and said Defendants were negligent.

13. Said Defendants negligently failed to use that degree of care, skill, and diligence in providing Judy Collins with proper and/or appropriate medical care and treatment ordinarily used by hospitals, physicians, and other medical personnel in like and similar circumstances which ultimately caused the severe injuries and death to Judy Collins.

14. As a direct and proximate result of Defendants' negligence, Judy Collins underwent medical care and treatment, experienced great pain and suffering, suffered great pain of body and mind, a loss of enjoyment of life, loss of wages, mental anguish and death.

COUNT II

15. Plaintiff incorporates herein by reference all of the statements and allegations made in Paragraphs 1 through 14, the same, as if fully rewritten herein.

16. Plaintiff Jerry W. Collins states that he was the husband of decedent, Judy Collins at the time of her death.

17. Plaintiff further states that as a direct and proximate result of the negligence of defendants and the resulting injuries and death of Judy Collins, her husband Jerry W. Collins lost the care, comfort, services and consortium of his wife in the past and will continue to suffer said losses in the future.

COUNT III

18. Plaintiff incorporates herein by reference all of the statements and allegations made in Paragraphs 1 through 17, the same, as if fully rewritten herein.

19. Plaintiff, Jerry W. Collins states that he is the duly appointed Executor of the Estate of Judy Helen Collins, deceased, who died on November 28, 2019, leaving the heirs at law and/or next of kin surviving her, each of whom had a pecuniary or other interest in her life, and this action is brought on their behalf under the statutes of the State of Ohio, but not limited to Ohio Revised Code 2125.02.

20. As a direct and proximate result of Defendants' negligence, Judy Collins underwent medical care and treatment, experienced great pain and suffering, suffered great pain of body and mind, a loss of enjoyment of life, loss of wages, mental anguish, and wrongful death.

21. At all times relevant hereto, Plaintiff Jerry W. Collins, Executor of the Estate of Judy Helen Collins, deceased, states that by reason of Decedent Judy Helen Collins' wrongful death, the Decedent's statutory beneficiaries have been damaged, deprived of her society and companionship, suffered a loss of future services, a loss of love and affection, a loss of future inheritance, severe mental anguish and emotional distress, and have sustained pecuniary losses, including but not limited to, medical expenses and funeral and burial expenses.

22. As a further direct and proximate result of the Defendants' negligence, Judy Collins incurred substantial medical and health care related expenses.

WHEREFORE, as to Counts I, II and III, Plaintiff demands judgment against Defendants jointly and severally, in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00) for compensatory damages, together with interest, reasonable attorney fees, and the costs of this action.

/s/ Phillip A. Kuri

PHILLIP A. KURI (0061910)
JOHN P. O'NEIL (0067893)
ELK & ELK CO., LTD.
6105 Parkland Boulevard, Suite 200
Mayfield Hts., Ohio 44124
(440) 442-6677
pkuri@elkandelk.com
joneil@elkandelk.com
Counsel for Plaintiffs

JURY DEMAND

Plaintiffs demand a Trial by jury on all issues so triable.

/s/ Phillip A. Kuri

PHILLIP A. KURI (0061910)
JOHN P. O'NEIL (0067893)
Counsel for Plaintiffs

PROBATE COURT OF BUTLER COUNTY, OHIO
RANDY T. ROGERS, JUDGE

FILED
2020 MAY 27 PM 3:00
BUTLER COUNTY
PROBATE COURT
JUDGE RANDY T. ROGERS

ESTATE OF Judy Helen Collins, DECEASED
CASE NO. PE 20 - 05 - 0419

ENTRY APPOINTING FIDUCIARY;
LETTERS OF AUTHORITY
[For Executors and all Administrators]

Name and Title of Fiduciary Jerry W. Collins

Executor

On hearing in open Court the application of the above fiduciary for authority to administer decedent's estate, the Court finds that:

Decedent died [check one of the following] - testate - intestate on November 28, 2019
domiciled in Hanover Township, OH

[Check one of the following] - Bond is dispensed with by the Will - Bond is dispensed with by law -
 Applicant has executed and filed an appropriate bond, which is approved by the Court; and

Applicant is a suitable and competent person to execute the trust.

The Court therefore appoints applicant as such fiduciary, with the power conferred by law to fully administer decedent's estate. This entry of appointment constitutes the fiduciary's letters of authority.

MAY 27 2020
Date

Randy T. Rogers
Probate Judge
Randy T. Rogers

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

The above document is a true copy of the original kept by me as custodian of the records of this Court. It constitutes the appointment and letters of authority of the named fiduciary, who is qualified and acting in such capacity.

Randy T. Rogers
Probate Judge / Clerk
Randy T. Rogers

[Seal]

Janal
MAY 28 2020

Date

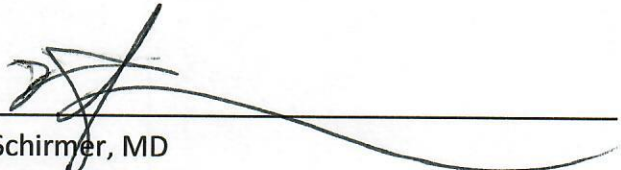
STATE OF OHIO)
)
FRANKLIN COUNTY)

AFFIDAVIT

Now comes William Schirmer, M.D., who swears, deposes and says this as the following:

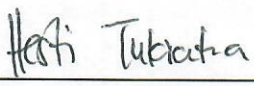
1. Affiant is licensed doctor and is competent and qualified to render opinions with respect to the care and treatment of Judy Collins.
2. As a qualified and licensed doctor, Affiant is familiar with the applicable standard of care as it pertains to physicians and hospitals.
3. Affiant has reviewed the records of Judy Collins regarding the care provided by the following medical providers:
 - a. Bethesda North Hospital
 - b. University of Cincinnati Medical Center Autopsy Report
4. It is Affiant's opinion that Bethesda North Hospital and their employees and/or agents and Robert Grayden Bradley, MD; Joshua Nassir Hernandez, MD; and Sean A. Litherland, MD deviated from the appropriate standard of care and were negligent regarding the care of Judy Collins.
5. Affiant further states that the negligence of Bethesda North Hospital and their employees and/or agents and Robert Grayden Bradley, MD; Joshua Nassir Hernandez, MD; and Sean A. Litherland, MD caused harm, injury, and death to Judy Collins.
6. Further Affiant sayeth naught.





William Schirmer, MD

Sworn to me and subscribed in my presence this 15 day of SEPTEMBER, 2020.



Notary Public

STATE OF OREGON

Multnomah COUNTY

)
)
)

AFFIDAVIT

Now comes Fergus Coakley, M.D., who swears, deposes and says this as the following:

1. Affiant is licensed doctor and is competent and qualified to render opinions with respect to the care and treatment of Judy Collins.

2. As a qualified and licensed doctor, Affiant is familiar with the applicable standard of care as it pertains to physicians and hospitals.

3. Affiant has reviewed the records of Judy Collins regarding the care provided by the following medical providers:

- a. Bethesda North Hospital
- b. University of Cincinnati Medical Center
- c. Jamestowne Nursing Facility
- d. Cleveland Clinic Foundation
- e. Fort Hamilton Hospital

4. It is Affiant's opinion that Bethesda North Hospital and their employees and/or agents and Sean A. Litherland, MD deviated from the appropriate standard of care and were negligent regarding the care of Judy Collins.

5. Affiant further states that the negligence of Bethesda North Hospital and their employees and/or agents and Sean A. Litherland, MD caused harm, injury, and death to Judy Collins.

6. Further Affiant sayeth naught.

Subscribed and sworn to before me on this 06th day of June, 2023.

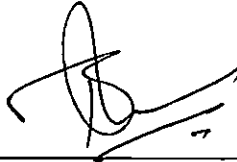
Notary Public for the State of Oregon

Fergus Coakley

Fergus Coakley, MD

Sworn to me and subscribed in my presence this 26th day of

May, 2023.



Notary Public

