



5. Defendant Physicians Clinic, Inc. is a corporation organized under and operating by virtue of the laws of the State of Nebraska. At all times material herein, said Defendant was in the business of providing healthcare services to members of the public.

6. Defendant Paige S. Berryman, M.D. is a resident of Omaha, Douglas County, Nebraska, and at all times material herein was licensed and authorized to practice medicine in the State of Nebraska, holding herself out to Patricia Prough and to other members of the community, as a medical doctor specializing in obstetrics and gynecological surgery.

7. Defendant Kristin E. Rooney, M.D. (hereafter "Rooney") is a resident of Omaha, Douglas County, Nebraska, and at all times material herein was licensed and authorized to practice medicine in the State of Nebraska, holding herself out to Patricia Prough and to other members of the community, as a medical doctor specializing in obstetrics and gynecological surgery.

8. Upon information and belief, Plaintiff alleges that Defendant Paige S. Berryman was employed by Defendant Physicians Clinic, Inc.

9. Upon information and belief, Plaintiff alleges that Defendant Kristin E. Rooney was employed by Defendant Physicians Clinic, Inc.

10. That the Defendants, at all times material herein, were qualified under the Nebraska Hospital/Medical Liability Act and that Plaintiff, pursuant to §44-2840(4) waives her right to a panel of review and elects to proceed with her Complaint in the District Court of Douglas County, Nebraska. The Plaintiff has further complied with Neb. Rev. Stat. §44-2801 et seq. and that a copy of this

Complaint was mailed certified to the Department of Insurance for the State of Nebraska.

11. On April 16, 2013, Plaintiff, who was then 60 years of age, was admitted to Methodist Women's Hospital for the purpose of undergoing a Da Vinci supracervical hysterectomy, bilateral salpingo-oophorectomy, abdominosacral colpopexy, and Obtryx II midurethral sling with cystoscopy.

12. The procedure described above was performed by Defendants Berryman and Rooney.

13. During said procedure one of the Gore-Tex needles became dislodged when Defendant Berryman and/or Rooney tried to remove it through the trocar.

14. Defendants Berryman and/or Rooney undocked the Da Vinci robot after the needle became dislodged and converted Plaintiff's procedure to laproscopic.

15. Defendants Berryman and/or Rooney conducted an extensive search of Plaintiff's body with the use of fluoroscopy to try and find the aforementioned needle.

16. Said needle was eventually retrieved from the small bowel of the Plaintiff but by the time this occurred Plaintiff had suffered acute kidney injury and other life-threatening damages.

17. After Plaintiff's operation ended she continued to suffer and her physical condition slowly deteriorated over the next nine days.

18. On or about April 25, 2013 it was discovered that Plaintiff had suffered a perforation of her small bowel and additional surgery was performed in order to repair this perforation.

19. That the Defendants, and each of them, were negligent in the care and treatment of Plaintiff and as a direct and proximate result of said negligence the Plaintiff suffered damages as more fully described below.

20. The Defendants, and each of them, were negligent in one or more of the following particulars:

- a. In failing to properly perform the Da Vinci supracervical hysterectomy, bilateral salpingo-oophorectomy, abdominosacral colpopexy, and Obtryx II midurethral sling with cystoscopy.
- b. In failing to timely retrieve the needle that was dropped during the course of the Da Vinci supracervical hysterectomy, bilateral salpingo-oophorectomy, abdominosacral colpopexy, and Obtryx II midurethral sling with cystoscopy.
- c. In failing to retrieve the needle that was dropped during the course of the Da Vinci supracervical hysterectomy, bilateral salpingo-oophorectomy, abdominosacral colpopexy, and Obtryx II midurethral sling with cystoscopy so as not to inflict injury upon the Plaintiff
- d. In failing to timely discover that Plaintiff had suffered a perforation of her small bowel.

21. As a direct and proximate result of the aforementioned negligence the Plaintiff suffered damages as more fully described below.

- a. Acute kidney injury, puncture of the small bowel, severe sepsis syndrome, and abdominal injury;
- b. Medical bills in the past in excess of \$620,000.00, and it is reasonably certain she will incur additional medical expenses in the future;
- c. Physical pain and mental suffering in the past, including loss of enjoyment of life, and it is reasonably certain she will incur additional physical pain and mental suffering, including loss of enjoyment of life in the future;
- d. Loss of wages in the past and it is reasonably certain she will suffer additional loss of wages in the future;
- e. Loss of earning capacity;
- f. Permanent injury; and
- g. Permanent disability.


22. That at the time of this incident Plaintiff was 60 years of age and had a life expectancy of 24.34 years.

23. At the time of the filing of this action Plaintiff is married to David Prough and her spouse has assigned his loss of consortium claim to Plaintiff for good and valuable consideration.

WHEREFORE, Plaintiff prays for judgment against each of the Defendants for her general and special damages, and for such other relief as may be allowed by the laws of the State of Nebraska.

DATED this 7 day of April, 2015.

PATRICIA PROUGH, Plaintiff

By:   
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