



4. That at all times material herein, the Defendant Megan L. Prickett, M.D. was a physician licensed to practice medicine in the State of Nebraska with her specialty being that of obstetrics and gynecology (OB/GYN), and she was performing her duties as an OB/GYN as an employee of the Defendants Nebraska Methodist Health System, Inc., d/b/a Women's Center Physicians Clinic, and that the acts of negligence as set forth below are imputed to the Defendant Nebraska Methodist Health System, Inc., d/b/a Women's Center Physicians Clinic under the doctrine of respondeat superior.

5. That the Defendant Nebraska Methodist Health System, Inc., d/b/a Methodist Women's Hospital is a medical facility which employs physicians, nurses, lab technicians, and other individuals devoted to the healthcare and treatment of women. That the nurses and other medical personnel employed by Nebraska Methodist Health System, Inc., d/b/a Methodist Women's Hospital, to include the Defendants identified in this Complaint, were at all times material herein acting as agents and employees of the Defendant Methodist Health Systems, Inc. and were acting within the scope and course of their employment. The acts of negligence of these individuals as stated below are imputed to the Defendant Methodist Health System Inc., d/b/a Methodist Women's Hospital under the doctrine of respondeat superior.

6. That the defendants and each of them have elected to come under the provisions of the Nebraska Hospital-Medical Liability Act, Neb. Rev. Stat. §§44-2801 – 44-2855. The Plaintiffs, Douglas J. Pruess and Karin G. Pruess, pursuant to §44-2840(4) waive their right to a panel review and elect to proceed with their Complaint in the District Court of Douglas County, Nebraska. Plaintiffs have further complied with §44-2840 et. seq. That a copy of this Complaint was sent via certified mail to the Department of Insurance of the State of Nebraska.

7. That on June 2, 2015, the Plaintiff Karin G. Pruess was seen at Women's Center Physicians Clinic, the office of the Defendant Megan L. Prickett, M.D., accompanied by her husband, Plaintiff Douglas D. Pruess. On that date, the chief complaint of the Plaintiff Karin G. Pruess was that of irregular menstrual cycles and she was seeking medical advice from the Defendant Megan L. Prickett, M.D. as to the cause of the condition. The Defendant, Megan L. Prickett, M.D., after examining the Plaintiff, Karin G. Pruess, advised the Plaintiff that in her opinion, the Plaintiff was in need of a hysterectomy. That on that date, a robotic assisted vaginal hysterectomy was scheduled to be performed on June 11, 2015, by the Defendant, Megan L. Prickett, M.D., at Methodist Women's Hospital.

8. That on June 11, 2015, the Plaintiff, Karin G. Pruess, arrived at Methodist Women's Hospital. On that date, the Defendant Megan L. Prickett, M.D., performed a robotic hysterectomy and bilateral salpingo-oophorectomy.

9. That nurses and other agents and employees of Methodist Women's Hospital assisted in the performance of the robotic hysterectomy and bilateral salpingo-oophorectomy. This assistance included, but was not limited to, the placement of lap sponges in the vaginal cavity to create a pneumoperitoneum.

10. Plaintiff Karin G. Pruess was later discharged from Methodist Women's Hospital to her home. On June 15, 2015, Karin G. Pruess began to experience fevers, chills, and a general overall weakness. Her symptoms continued and on June 15, 2015, Plaintiff Karin G. Pruess went into her bathroom to void and a surgical packing glove passed from her vagina. Thereafter, the Plaintiff contacted Women's Center Physicians Clinic, the office the Defendant Megan L. Prickett, M.D., and told the office what had occurred. She also indicated to the office that she was experiencing a rash around her abdominal area. She was instructed on that date by

the Defendant, Megan L. Prickett, M.D., to come to her office for an evaluation. Plaintiff Karin G. Pruess was examined by the Defendant Megan L. Prickett, M.D., and despite her symptoms and having passed a surgical packing glove, the Defendant Megan L. Prickett, M.D. advised the Plaintiff Karin G. Pruess that there was nothing to worry about.

11. That on June 20, 2015, Plaintiff Karin G. Pruess was again seen by medical personnel at Methodist Women's Hospital with a history of fevers, chills, and weakness. That at that time, her condition was diagnosed as that of urinary retention, secondary to occlusion from vaginal packing, and a foley catheter was inserted. That on that date, the Plaintiff Karin G. Pruess was also given the diagnosis of vaginal cuff cellulitis. That after this examination at Methodist Women's Hospital on June 20, 2015, Plaintiff Karin G. Pruess was given the medications clindamycin and vancomycin.

12. That on June 20, 2015, the condition of the Plaintiff Karen G. Pruess was such that she was admitted as a patient to Methodist Women's Hospital with a fever of 102.9°. She was hospitalized at Methodist Women's Hospital from June 20, 2015, through June 22, 2015. That on June 22, 2015, the Defendant Megan L. Prickett, M.D., discharged the Plaintiff Karin G. Pruess from Methodist Women's Hospital, and upon discharge, Plaintiff Karin G. Pruess was prescribed a seven-day course of Augmentin to treat any infection.

13. That the Defendants and each of them were negligent in their care and treatment of the Plaintiff Karin G. Pruess in each of the following respects:

**As to Nebraska Methodist Health System, Inc., d/b/a Women's Center Physicians Clinic, and Megan L. Prickett, M.D.:**

- (a) In failing to properly perform a robotic hysterectomy;

- (b) In failing to properly inspect the surgical site prior to the closure of the surgical site, which reasonable inspection would have shown that a surgical glove and/or other foreign object had been left within the abdominal and/or vaginal cavity of the Plaintiff;
- (c) In failing to properly treat the Plaintiff Karin G. Pruess when she presented in the office of Women's Center Physicians Clinic on June 15, 2015, despite her symptoms and having passed a surgical packing glove from her vagina;
- (d) In failing to send the Plaintiff Karin G. Pruess to Methodist Women's Hospital for admission and further treatment for the symptoms she was experiencing on June 15, 2015.

**As to Nebraska Methodist Health System, Inc., d/b/a Methodist Women's Hospital:**

- (a) In failing to properly inspect the surgical site prior to the closure of the surgical site by the Defendant Megan L. Prickett, M.D.;
- (b) In allowing a surgical glove and/or other foreign object to left within the abdominal and/or vaginal cavity of the Plaintiff.

15. As a direct and proximate result of the negligence of the Defendants and each of them, the Plaintiff Karin G. Pruess has sustained the following by way of damages:

- (a) Fever, chills, and overall nausea following the robotic hysterectomy;
- (b) The development of vaginal cuff cellulitis, which required antibiotic therapy to be administered to the Plaintiff;
- (c) Urinary retention on account of the foreign object which was left inserted in the Plaintiff;

- (d) A two-day hospitalization beginning on June 20, 2015 and continuing through June 22, 2015;
- (e) Physical pain and mental suffering the past and it is reasonably certain that she will sustain physical pain and mental suffering for an indefinite period of time in the future.
- (f) Medical bills in the past in the amount of approximately \$20,000.00, and it is reasonably certain that she will sustain medical bills for an indefinite period of time in the future;
- (g) Loss of enjoyment of life;
- (h) Permanent disability.

16. That as a direct and proximate result of the negligence of the Defendants and each of them, the Plaintiff Douglas D. Pruess has been deprived of the society and companionship of his wife, Plaintiff Karin G. Pruess, her services and earnings, as well as such other pleasures and rights having a pecuniary value, which attend immediate family relationships, including interspousal consortium.

WHEREFORE, Plaintiffs pray for judgment against the Defendants and each of them for the general damages, special damages, and such other relief as the Court may deem just and equitable.

DOUGLAS D. PRUESS AND  
KARIN G. PRUESS, Plaintiffs

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