

Tiki Brown
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Clerk of State Court
Clayton County, Georgia
Janice May

**IN THE STATE COURT OF CLAYTON COUNTY
STATE OF GEORGIA**

STACIE WILLIS, Individually and as the Natural)
Guardian, Parent and Next Friend of the Infant)
DEJUAN WILLIAMS,)
)
Plaintiff,)
)
v.)
)
MELISSA G. JONES, CNM;)
ANNE SIGOUIN;)
BRIAN REGISTER, MD;)
LIFE CYCLE PEDIATRICS, LLC;)
LIFE CYCLE OB/GYN, LLC;)
ABIGAIL KAMISHLIAN, MD FAAP;)
DAFFODIL PEDIATRIC AND FAMILY)
MEDICAL SERVICES, LLC.)
)
Defendants.)
)
_____)

CIVIL ACTION

FILE NO. 2014CV02070 FF

JURY TRIAL DEMANDED

FOURTH AMENDED COMPLAINT FOR DAMAGES

COMES NOW Stacie Willis, Individually and as the Parent, Natural Guardian, and Next Friend of DeJuan Williams (hereinafter “Stacie Willis”), an infant (hereinafter “DeJuan Williams”), Plaintiff herein, who files this, her Fourth Amended Complaint for Damages in the above-styled case.

INTRODUCTION

This claim arises out of a botched circumcision procedure performed on Plaintiff’s infant son. This Amended Complaint is filed and served to remove Teleflex Incorporated and Teleflex Medical Incorporated as Defendants pursuant to the Court’s ruling and to omit certain claims that have been voluntarily dismissed and to add certain limited claims against Defendants Jones, Sigouin, Register and Life Cycle OB/GYN, LLC and Life Cycle Pediatrics, LLC (collectively

the “Life Cycle Defendants”) that conform to the evidence gleaned during the fact discovery and concluding expert discovery phases.

PARTIES, JURISDICTION, VENUE AND SERVICE OF PROCESS

1.

Defendant Melissa Jones, CNM is a certified nursing midwife licensed to practice in the State of Georgia. Said Defendant resides at 3032 Mockingbird Lane, East Point, Fulton County, Georgia 30344, and was personally served with the original Summons and Complaint at that address. Said Defendant is subject to the jurisdiction and venue of this Court by virtue of being a joint tortfeasor with Defendants Sigouin and Register, and Defendants Life Cycle Pediatrics, LLC and Life Cycle OB/GYN, LLC. Defendant Jones may be served through her attorney of record.

2.

Defendant Anne Sigouin resides at 3545 Fairway Dr., Atlanta, Fulton County, Georgia 30337, and was served with the original Summons and Complaint at that address. Said Defendant is subject to the jurisdiction and venue of this Court by virtue of being a joint tortfeasor with Defendants Jones, Register and Defendants Life Cycle Pediatrics, LLC and Life Cycle OB/GYN, LLC. Defendant Sigouin may be served through her attorney of record.

3.

Defendant Brian Register is a physician licensed to practice in the state of Georgia. Defendant Register resides at 760 James Madison Dr., SW, Atlanta, GA 30331 and was served with the original Summons and Complaint at that address. Said Defendant is subject to the jurisdiction and venue of this Court by virtue of being a joint tortfeasor with Defendants Jones,

Sigouin and Defendants Life Cycle Pediatrics, LLC and Life Cycle OB/GYN LLC. Defendant Register may be served through his attorney of record.

4.

Defendants Life Cycle Pediatrics, LLC and Life Cycle OB/GYN, LLC are limited liability companies organized and existing under the laws of the State of Georgia, with an operating business located at 107-B Upper Riverdale Rd., Riverdale, Clayton County, Georgia 30274, which, at all times material herein, has owned and/or operated and/or done business as a medical provider business known as Life Cycle OB/GYN and Pediatrics (hereinafter, individually and jointly referred to as “Life Cycle” or “Defendant Life Cycle”), located at 107-B Upper Riverdale Rd., Riverdale, Georgia 30274. Said defendants were served with the original Summons and Complaint through their registered agent, Anne Sigouin, at 2739 Felton Drive, East Point, Fulton County, Georgia 30344, by acceptance of service by their counsel. Defendant Life Cycle is subject to the jurisdiction and venue of this Court. On information and belief, the Life Cycle entities have common ownership, management, employees, and facilities, and are jointly marketed to the public as “Life Cycle OB/GYN and Pediatrics.”

5.

Upon information and belief, Defendant Melissa Jones, C.N.M. was an actual and/or apparent and/or ostensible agent and/or employee of Life Cycle and was acting in the course of said agency/employment, and within the scope of said agency/employment, at all times during which she provided care and treatment to Stacie Willis and DeJuan Williams at all times material hereto. Consequently, Life Cycle is liable to Plaintiff for any and all damages attributable to the negligent acts and/or omissions of Defendant Melissa Jones, C.N.M.

6.

Upon information and belief, Defendant Anne Sigouin was an actual and/or apparent and/or ostensible agent and/or employee, and/or officer, director or owner of Life Cycle and was acting in the course of said agency/employment, and within the scope of said agency/employment, at all times during which she provided care and treatment to Stacie Willis and DeJuan Williams, and hired, retained, supervised and trained Defendants Register and Jones. Consequently, Defendant Life Cycle is liable to Plaintiffs for any and all damages attributable to the negligent acts and/or omissions of Defendant Anne Sigouin.

7.

Upon information and belief, Defendant Dr. Brian Register was an actual and/or apparent and/or ostensible agent and/or employee, and/or officer, director or owner of Life Cycle and was acting in the course of said agency/employment, and within the scope of said agency/employment, at all times during which he provided care to Stacie Willis and DeJuan Williams, and he supervised Defendants Sigouin and Jones. Consequently, Defendant Life Cycle is liable to Plaintiffs for any and all damages attributable to the negligent acts and/or omissions of Defendant Dr. Brian Register.

8.

Upon information and belief, the residents, physicians, registered nurses, nurse practitioners, licensed practical nurses, certified nurse midwives, laboratory technicians and other non-physician healthcare professionals and personnel who cared for and treated Stacie Willis and DeJuan Williams while they were patients at Life Cycle at all times material hereto were actual and/or apparent and/or ostensible agents and/or employees of Life Cycle, and were acting in the course of said agency/employment, and within the scope of said agency/

employment, at all times during which they provided care and treatment to Stacie Willis and DeJuan Williams. Consequently, pursuant to the doctrines of *respondeat superior* and/or actual, apparent and/or ostensible agency, Defendant Life Cycle is liable to Plaintiffs for any and all damages attributable to the negligent acts and/or omissions of said physicians, residents, certified midwives, registered nurses, nurse practitioners, licensed practical nurses, respiratory therapists, laboratory technicians and other non-physician healthcare professionals and personnel.

9.

Defendant Life Cycle is responsible for all of its actual, apparent and/or ostensible agents or employees who rendered any medical and/or nursing care and treatment to Stacie Willis and DeJuan Williams while they were patients at Life Cycle at all times material hereto.

10.

Defendant Abigail Kamishlian is a physician licensed to practice in the State of Georgia. Defendant Kamishlian was served with the original Summons and Complaint at her residence at 111 National Way, Carrollton, Georgia 30116. Said Defendant is subject to the jurisdiction and venue of this Court by virtue of being a joint tortfeasor with Defendants Jones, Sigouin, Life Cycle Pediatrics, LLD and Life Cycle OB/GYN, LLC. Defendant Kamishlian may be served through her attorney of record.

11.

Defendant Daffodil Pediatric and Family Medical Services, LLC is a limited liability company organized and existing under the laws of the State of Georgia, with an operating business located at 1438 McLendon Drive, Decatur, Georgia 30033. Defendant Daffodil may be served by service upon its registered agent, Ioiabo Okuwobi, 1438 McLendon Drive, Decatur,

Georgia 30033, and/or through its attorney of record. Said Defendant is subject to the jurisdiction and venue of this Court by virtue of being a joint tortfeasor with Defendants Jones, Sigouin, Life Cycle Pediatrics, LLD and Life Cycle OB/GYN, LLC.

12.

Defendant Daffodil Pediatric and Family Medical Services, LLC maintains a business location at 4905 Courtney Drive, Forest Park, Georgia 30297, which is where DeJuan Williams was treated.

13.

Upon information and belief, Defendant Kamishlian was an actual and/or apparent and/or ostensible agent and/or employee of Defendant Daffodil Pediatric and Family Medical Services, LLC and was acting in the course of said agency/employment, and within the scope of said agency/employment, at all times during which she provided care and treatment to Stacie Willis and DeJuan Williams at all times material hereto. Consequently, Defendant Daffodil is liable to Plaintiff for any and all damages attributable to the negligent acts and/or omissions of Defendant Kamishlian.

14.

Personal and subject matter jurisdiction in this court exists over the parties to this action and the claims pled. One or more of the Defendants is a resident of, and has a business and/or office in, or a registered agent for service residing in, Clayton County, Georgia; and all Defendants are joint tortfeasors. In addition, the injury to the infant, DeJuan Williams, occurred in Clayton County, Georgia. Accordingly, venue is properly laid in this Court.

**STANDING OF PLAINTIFFS TO BRING THIS ACTION AND COMPLIANCE WITH
THE PLEADING REQUIREMENTS OF OCGA § 9.11.9.1**

15.

DeJuan Williams is the minor child of Plaintiff Stacie Willis who is his parent, natural guardian and next friend.

16.

Plaintiff Stacie Willis is the parent, natural guardian and next friend of DeJuan Williams, a minor born on October 3, 2013. Plaintiff Stacie Willis brings this action individually and as the parent, natural guardian and next friend of her minor son, DeJuan Williams. Plaintiff Stacie Willis is the natural guardian of DeJuan Williams pursuant to O.C.G.A. §§ 29-1-1(12) and 29-2-3(b). Plaintiffs Stacie Willis and DeJuan Williams were residents and citizens of the State of Georgia at the time this action was commenced.

17.

Plaintiff Stacie Willis is the parent, natural guardian and next friend of DeJuan Williams and is entitled to bring this action on behalf of her son and recover from Defendants and each of them all items of damages allowed by law, including all past, present and future medical expenses, costs of care, equipment, supplies and related items, while her son is a minor. O.C.G.A. §§ 9-11-17(c), 29-1-1(12)(13), 29-2-3(b).

18.

Plaintiff Stacie Willis is the natural parent of DeJuan Williams and is entitled to bring this action in her individual capacity and to recover against Defendants and each of them all damages allowed by law.

19.

Plaintiff Stacie Willis is the parent, natural guardian and next friend of DeJuan Williams and is entitled to bring this action to recover against Defendants and each of them all future loss of income, wages and job benefits incurred by Stacie Willis and all damages for the past, present and future physical and mental pain and suffering and disabilities incurred by DeJuan Williams during his minority, as well as those expected to be incurred after DeJuan Williams reaches the age of majority.

20.

Pursuant to O.C.G.A. § 9-3-73(b), “[a] minor who has not attained the age of five years shall have two years from the date of such minor’s fifth birthday within which to bring a medical malpractice action if the cause of action arose before such minor attained the age of five years.” This subsection is intended to create a statute of limitations. O.C.G.A. § 9-3-73(d). Accordingly, Plaintiff Stacie Willis, as the parent, natural guardian and next friend of DeJuan Williams, is entitled to bring this action and recover against the Defendants and each of them herein, all future loss of income, wages and job benefits incurred by Stacie Willis and all damages for the past, present and future physical and mental pain and suffering and disabilities incurred by DeJuan Williams, as well as all medical expenses and costs of care, equipment, supplies and related items expected to be incurred by DeJuan Williams after he reaches the age of majority.

21.

This case includes an action for professional negligence. Consequently, pursuant to, and in full compliance with, O.C.G.A. § 9-11-9.1, Plaintiff has attached to her original Complaint, previously filed, the Affidavit of Kathryn Shisler Harrod, Ph.D., RN, CNM, APNP;

to the First Amended Complaint, the affidavit of Dr. Fred Kogen; and to the Third Amended Complaint, the affidavit of Dr. Santa J. Johnston. Said affidavits set forth at least one act of professional negligence of each medical provider Defendant in full compliance with O.C.G.A. § 9-11-9.1.

FACTUAL ALLEGATIONS

22.

At all times material hereto, DeJuan Williams was a patient of Defendants Register, Jones, Sigouin, and Life Cycle, and their actual, apparent and/or ostensible agents and employees, and said Defendants and their actual, apparent and/or ostensible agents and employees owed to Plaintiffs Stacie Willis and her minor child, DeJuan Williams, the duty to exercise the degree of care and skill required by like physicians, osteopaths, residents, registered nurses, nurse practitioners, licensed practical nurses, certified nurse midwives, respiratory therapists, laboratory technicians and/or other non-physician healthcare professionals and personnel in general under similar conditions and like surrounding circumstances as presented herein in their medical diagnosis, care and treatment of DeJuan Williams.

23.

At all times material hereto, DeJuan Williams was a patient of Defendants Register, Jones, Sigouin, and Life Cycle, and their actual, apparent and/or ostensible agents and employees, and said Defendants and their actual, apparent and/or ostensible agents and employees owed to DeJuan Williams the duty to exercise the degree of care and skill required by like physicians, osteopaths, residents, registered nurses, nurse practitioners, licensed practical nurses, certified nurse midwives, respiratory therapists, laboratory technicians and/or other non-physician healthcare professionals and personnel in general under similar conditions

and like surrounding circumstances as presented herein in their medical diagnosis, care and treatment of DeJuan Williams.

24.

Plaintiff Stacie Willis and DeJuan Williams entered into a healthcare professional-patient relationship with Defendants Register, Jones, Sigouin, and Lifecycle OB/GYN for the purpose of care and treatment for the procedure of circumcision for DeJuan Williams.

25.

Plaintiff Stacie Willis and DeJuan Williams entered into a nurse midwife-patient relationship with Defendant Jones, Sigouin, and Lifecycle OB/GYN for the purpose of care and treatment for the circumcision of DeJuan Williams.

26.

At the times material hereto, DeJuan Williams was a patient of Defendant Kamishlian and Defendant Daffodil, and their actual, apparent and/or ostensible agents and employees, and said Defendants and their actual, apparent and/or ostensible agents and employees owed to Plaintiffs Stacie Willis and her minor child, DeJuan Williams, the duty to exercise the degree of care and skill required by like physicians, osteopaths, residents, registered nurses, nurse practitioners, licensed practical nurses, certified nurse midwives, respiratory therapists, laboratory technicians and/or other non-physician healthcare professionals and personnel in general under similar conditions and like surrounding circumstances as presented herein in their medical diagnosis, care and treatment of DeJuan Williams.

27.

On October 21, 2013 at 15:30 DeJuan Williams presented to Life Cycle for the scheduled procedure of circumcision.

28.

On October 21, 2013, DeJuan Williams was placed supine on the procedure table. The penis and scrotum were prepped with Betadine solution. A sterile drape was placed over the operative field.

29.

On October 21, 2013, Defendant Jones amputated the glans of DeJuan Williams' penis by placing and using a Mogen Clamp in an attempt to perform a circumcision on the infant.

30.

Certified Nursing Midwives and physicians, who provide circumcision and care to infants are required by the standard of care, that is, the degree of care and skill required in general under similar conditions and like surrounding circumstances as those herein, to accurately place, secure, and excise the foreskin of the infant.

31.

The standard of care required that such nursing personnel accurately place, secure, and excise the foreskin of the infant.

32.

Defendant Jones, as a certified nursing midwife providing circumcision was required by the standard of care of certified nursing midwife, that is, that degree of care and skill required of certified nursing midwives in general under similar conditions and like surrounding circumstances as those presented herein, to accurately place, secure, and excise the foreskin of infants under her care when performing a circumcision.

33.

Defendant Jones was required by the standard of care of certified nursing midwives, that is, that degree of care and skill required of certified nursing midwives in general under similar conditions and like surrounding circumstances as those presented herein, to accurately place, secure, and excise the foreskin of an infant when performing a circumcision.

34.

On October 21, 2013, following the botched circumcision, Dr. Brian Register was called into the procedure room to examine Plaintiff DeJuan Williams' penis.

35.

On October 21, 2013, Dr. Brian Register advised Defendant Jones to stop the bleeding with direct pressure and silver nitrate sticks.

36.

On October 21, 2013, after advising Defendant Jones, Dr. Brian Register consulted with Defendant Sigouin to discuss a plan of care.

37.

On October 21, 2013, Defendant Sigouin recommended a call be placed to DeJuan Williams' pediatrician, Dr. Abigail Kamishlian.

38.

On October 21, 2013, Defendant Jones called DeJuan Williams's pediatrician, Dr. Abigail Kamishlian. Defendant Jones communicated "that the very tip of the glans had been severed during circumcision."

39.

On October 21, 2013, Defendant Jones, after consulting Defendants Sigouin and Register and upon their instructions, advised Plaintiff Stacie Willis that an emergency room visit was not necessary unless active bleeding was present. Defendant Jones also advised Plaintiff Stacie Willis that a follow up with her pediatrician, Dr. Abigail Kamishlian, was recommended for the following day.

40.

Dr. Brian Register and Anne Sigouin, CNM observed the injury to the infant after it occurred and consulted with Defendant Jones. Following the injury, the standard of care required that the child be sent for an immediate consult with a pediatric urologist along with the improperly severed tissue. This may have permitted the severed tissue to be re-attached. It was a breach of the standard of care to send the infant home with his mother and this caused damage to the infant by preventing a pediatric urologist from taking appropriate steps to re-attach the severed tissue.

41.

On October 21, 2013 at 20:50 DeJuan Williams presented to Children's Healthcare of Atlanta Urgent Care for continued bleeding from the laceration of the glans. Plaintiff Williams was referred to the pediatric urology office of Dr. Angela Arlen for the following day.

42.

Subsequently, Plaintiff learned that a portion of the glans of her infant's penis had been amputated and could not be restored.

43.

On information and belief, Defendant Sigouin was an owner/operator/or manager of Lifecycle OB/GYN and Life Cycle Pediatrics and had the authority to hire, retain, supervise, train, and terminate other employees.

44.

On information and belief, Defendant Sigouin either knew, or should have known, that Defendants Melissa Jones and Dr. Brian Register lacked the necessary professional skill and experience to competently perform a circumcision on the infant DeJuan Williams.

45.

On information and belief, Defendant Sigouin negligently hired, retained, supervised and/or trained Defendants Jones and Register and permitted Jones to perform circumcisions and other procedures which she lacked the professional skill and competence to perform.

46.

As a result of the foregoing, Plaintiff Stacie Willis has been caused to sustain damages, including past and future medical expenses, past and future lost wages, as well as emotional distress.

47.

Defendants also negligently inflicted emotional distress on Stacie Willis who was present and suffered severe emotional distress from the severe and mutilating injury to her son. Stacie Willis has also lost income due to missing time from work to care for the medical needs of her infant son, in the amount of \$20,000 and continuing.

48.

Plaintiff and her infant son have sustained medical expenses to date totaling \$18,730.50. Plaintiff and her infant son expect to sustain future medical expenses in excess of two million dollars (\$2,000,000.00).

CAUSES OF ACTION

COUNT I – MEDICAL MALPRACTICE, NEGLIGENCE AND GROSS NEGLIGENCE AGAINST DEFENDANTS JONES, SIGOUIN, REGISTER AND LIFE CYCLE

49.

The facts from paragraphs 1 through 48 are incorporated herein by this specific reference.

50.

Defendants Register, Jones, Sigouin and Life Cycle, acting directly and/or through their actual and/or apparent and/or ostensible agents and/or employees, negligently deviated and departed from the standard of care applicable to like physicians, certified nurse midwives, residents, registered nurses, nurse practitioners, licensed practical nurses, respiratory therapists, laboratory technicians and/or other non-physician healthcare professionals and personnel in general under similar conditions and like surrounding circumstances as presented herein in their care and treatment of DeJuan Williams as follows:

- a) Defendants Register, Jones, Sigouin, and Life Cycle, acting directly and/or through their actual and/or apparent and/or ostensible agents and/or employees, including, without limitation, Defendant Jones and nurses who rendered care and treatment to DeJuan Williams at all times material hereto, negligently failed to accurately secure and excise the foreskin of the infant, severely injured his penis, and failed to respond to the injury once it occurred;

b) Defendant Life Cycle, acting directly and/or through its actual and/or apparent and/or ostensible agents and/or employees, including, without limitation, nurses who rendered care and treatment to DeJuan Williams all times material hereto, negligently failed to excise the skill, care and diligence as was required for a proper circumcision, severely injured the penis of the infant, and failed to properly respond to the injury once it occurred.

c) The Life Cycle Defendants' failure to inform Stacie Willis of the amputation of a portion of DeJuan William's penis, and their preservation of the amputated portion of her infant son's penis.

51.

The deviations and departures from the standard of care required of certified nursing midwives and physicians in general under similar conditions and like surrounding circumstances described herein proximately caused and/or contributed to cause DeJuan Williams to sustain permanent and irreversible physical and mental injuries and deficits.

52.

Had the standard of care been complied with by all of the parties referred to herein, that is, had the deviations and departures from the standard of care stated herein not have occurred, then it is more likely than not, within a reasonable degree of medical probability, that DeJuan Williams' permanent and irreversible physical and mental injuries would have been prevented.

53.

As a direct and proximate result of the negligence and gross negligence of the Defendants, DeJuan Williams suffered permanent and catastrophic physical injuries, including an amputated glans of the penis and other devastating physical and mental injuries.

54.

As a direct and proximate result of the negligence and gross negligence of the Defendants, DeJuan Williams will never recover from his catastrophic injuries and the permanent limitations and disabilities caused by the Defendants.

55.

As a direct and proximate result of the negligence and gross negligence of the Defendants, DeJuan Williams has required and will continue to require future medical care and therapies, medical equipment, adaptive devices and supplies and other related goods and services for his entire life.

56.

As a direct and proximate result of the negligence and gross negligence of the Defendants, DeJuan Williams has lost the capacity to labor and to earn income, wages, and benefits in the future.

57.

As a direct and proximate result of the negligence and gross negligence of the Defendants, DeJuan Williams has endured and will continue to endure physical and mental pain and suffering, disability and disfigurement.

58.

As a direct and proximate result of the negligence and gross negligence of the Defendants, Plaintiff Stacie Willis incurred and will continue to incur expenses and costs of the care caused by Defendants' negligence while her son is a minor.

59.

Plaintiff Stacie Willis, Individually, is entitled to a recovery against the Defendants for all damages allowed by law as shown by the evidence upon the trial of this action, including, without limitation, damages for all past, present and future medical expenses and costs of care, equipment, supplies and related items incurred and to be incurred in treating DeJuan Williams during his minority as a proximate result of the negligence and gross negligence of the Defendants and each of them, in an amount to be proven at trial; and damages incurred by Plaintiff Stacie Willis, Individually, as a proximate result of the negligence of the Defendants and each of them, in an amount to be determined by the enlightened conscience of the jury, and for her emotional distress.

60.

Plaintiffs are entitled to recovery against the Defendants for all other damages allowed by law as shown by the evidence upon the trial of this action, including, without limitation, damages for the past, present and future physical and mental pain and suffering, disability and disfigurement incurred by DeJuan Williams as a proximate result of the negligence of the Defendants and each of them, in an amount to be determined by the jury; damages for all medical expenses and costs of care, equipment, supplies and related items expected to be incurred by DeJuan Williams over the course of his lifetime after he reaches the age of majority, incurred as a proximate result of the negligence of the Defendants and each of them, in an

amount to be proven at trial; and such other damages as proven by the evidence admitted at trial, in an amount to be proven at trial or to be determined by the enlightened conscience of a fair and impartial jury.

**COUNT II – MEDICAL MALPRACTICE AND NEGLIGENCE AGAINST
DEFENDANTS KAMISHLIAN AND DAFFODIL PEDIATRIC AND FAMILY
MEDICAL SERVICES, LLC**

61.

The facts from paragraphs 1 through 48 are incorporated herein by this specific reference.

62.

Defendants Kamishlian and Daffodil, acting directly and/or through their actual and/or apparent and/or ostensible agents and/or employees, negligently deviated and departed from the standard of care applicable to like physicians, certified nurse midwives, residents, registered nurses, nurse practitioners, licensed practical nurses, respiratory therapists, laboratory technicians and/or other non-physician healthcare professionals and personnel in general under similar conditions and like surrounding circumstances as presented herein in their care and treatment of DeJuan Williams as follows:

- a) Defendants Kamishlian and Daffodil acting directly and/or through their actual and/or apparent and/or ostensible agents and/or employees, including, without limitation, Defendant Jones and nurses who rendered care and treatment to DeJuan Williams at all times material hereto, negligently failed to accurately place, secure, and excise the foreskin of the infant, severely injured his penis, and failed to respond to the injury once it occurred;
- b) Defendant Daffodil, acting directly and/or through its actual and/or apparent and/or ostensible agents and/or employees, including, without limitation, nurses who

rendered care and treatment to DeJuan Williams all times material hereto, negligently failed to excise the skill, care and diligence as was required for a proper circumcision, severely injured the penis of the infant, and failed to properly respond to the injury once it occurred.

63.

The deviations and departures from the standard of care required of certified nursing midwives and physicians in general under similar conditions and like surrounding circumstances described herein proximately caused and/or contributed to cause DeJuan Williams to sustain permanent and irreversible physical and mental injuries.

64.

Had the standard of care been complied with by all of the parties referred to herein, that is, had the deviations and departures from the standard of care stated herein not have occurred, then it is more likely than not, within a reasonable degree of medical probability, that DeJuan Williams' permanent and irreversible physical and mental injuries would have been prevented.

65.

As a direct and proximate result of the negligence of the Defendants, DeJuan Williams suffered permanent and catastrophic physical injuries, including an amputated glans of the penis and other devastating physical and mental injuries.

66.

As a direct and proximate result of the negligence of the Defendants, DeJuan Williams will never recover from his catastrophic injuries and the permanent limitations and disabilities caused by the Defendants.

67.

As a direct and proximate result of the negligence of the Defendants, DeJuan Williams has required and will continue to require future medical care and therapies, medical equipment, adaptive devices and supplies and other related goods and services for his entire life.

68.

As a direct and proximate result of the negligence of the Defendants, DeJuan Williams has endured and will continue to endure physical and mental pain and suffering, disability and disfigurement.

69.

As a direct and proximate result of the negligence of the Defendants, Plaintiff Stacie Willis incurred and will continue to incur expenses and costs of the care caused by Defendants' negligence while her son is a minor.

70.

Plaintiff Stacie Willis, Individually, is entitled to a recovery against the Defendants for all damages allowed by law as shown by the evidence upon the trial of this action, including, without limitation, damages for all past, present and future medical expenses and costs of care, equipment, supplies and related items incurred and to be incurred in treating DeJuan Williams during his minority as a proximate result of the negligence of the Defendants and each of them, in an amount to be proven at trial; and for her emotional distress.

71.

Plaintiffs are entitled to recovery against the Defendants for all other damages allowed by law as shown by the evidence upon the trial of this action, including, without limitation, damages

for the past, present and future physical and mental pain and suffering, disability and disfigurement incurred by DeJuan Williams as a proximate result of the negligence of the Defendants and each of them, in an amount to be determined by the jury; damages for all medical expenses and costs of care, equipment, supplies and related items expected to be incurred by DeJuan Williams over the course of his lifetime after he reaches the age of majority, incurred as a proximate result of the negligence of the Defendants and each of them, in an amount to be proven at trial; and such other damages as proven by the evidence admitted at trial, in an amount to be proven at trial or to be determined by the enlightened conscience of a fair and impartial jury.

**COUNT III – NEGLIGENT HIRING, RETENTION, TRAINING AND SUPERVISION
AGAINST DEFENDANTS SIGOUIN AND LIFE CYCLE**

72.

The facts in paragraphs 1 through 48 are incorporated herein by this specific reference.

73.

Defendant Sigouin as the owner/operator and/or manager of Defendant Lifecycle had the authority and the duty to hire, train, supervise and retain only employees of Defendant Lifecycle whom she knew or reasonably should have known were qualified to competently perform required services for patients of Defendant Lifecycle.

74.

Defendant Sigouin knew or reasonably should have known that Defendant Jones did not possess the knowledge, education, training or experience required for performing neonatal circumcision or male genital surgical procedures.

75.

Defendant Sigouin knew or reasonably should have known that Defendant Jones did not possess the knowledge, education, training or experience required for managing severe hemorrhage and amputative penile injury.

76.

Defendant Sigouin knew or reasonably should have known that Defendant Jones did not possess the knowledge, education, training or experience required for proper preservation and protection of the amputated portion of an infant's penis.

77.

Defendant Sigouin knew or reasonably should have known that Defendant Jones did not possess the knowledge, education, training or experience required for assessing a medical emergency involving amputative penile injury and obtaining competent medical care required for emergency reattachment of the amputated portion of an infant's penis.

78.

Defendant Sigouin knew or reasonably should have known that Defendant Jones did not possess the knowledge, education, training or experience required for properly informing an infant's mother of a medical emergency involving amputative penile injury and giving appropriate advice for obtaining competent medical care for an infant child whose penis has been partially amputated.

79.

Defendant Sigouin negligently failed in her duty to hire, train, supervise and retain only employees of Defendant Lifecycle whom she knew or reasonably should have known were qualified to competently perform required services for patients of Defendant Lifecycle,

including: neonatal circumcision or male genital surgical procedures; managing severe hemorrhage and amputative penile injury; proper preservation and protection of the amputated portion of an infant's penis; assessing a medical emergency involving amputative penile injury and obtaining the competent medical care required for emergency reattachment of the amputated portion of an infant's penis; and properly informing an infant's parent of a medical emergency involving amputative penile injury and giving appropriate advice for obtaining competent medical care for an infant child whose penis has been partially amputated.

80.

As a direct and proximate result of Defendant Sigouin's negligent failure in her duty to hire, train, supervise and retain only employees of Defendant Lifecycle whom she knew or reasonably should have known were qualified to competently perform required medical services, DeJuan Williams suffered permanent and catastrophic physical and mental injuries, and other damages as set forth in this Complaint for Damages.

81.

Plaintiffs are entitled to recover from Defendant Sigouin all damages set forth in this Complaint for Damages and other damages allowed by law, for Defendant Sigouin's negligent failure in her duty to hire, train, supervise and retain only employees of Defendant Lifecycle whom she knew or reasonably should have known were qualified to competently perform required medical services.

82.

Plaintiffs are entitled to recover from Defendant Lifecycle all damages set forth in this Complaint for Damages and other damages allowed by law, for Defendant Sigouin's negligent failure in her duty to hire, train, supervise and retain only employees of Defendant Lifecycle

whom she knew or reasonably should have known were qualified to competently perform required medical services.

**COUNT IV – FRAUD, CONSTRUCTIVE FRAUD AND FRAUDULENT
CONCEALMENT AGAINST DEFENDANTS SIGOUIN, JONES,
REGISTER AND LIFE CYCLE**

83.

The facts in paragraphs 1 through 48 are incorporated herein by this specific reference.

84.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, as well as Life Cycle agents/employees Debbie Person (Person) and Guadalupe Gonzalez (Gonzalez), and other unknown Life Cycle agents/employees, knew that a portion of DeJuan William's penis was amputated during the botched circumcision procedure performed by Defendant Jones.

85.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, as well as Life Cycle agents/employees Person and Gonzalez and others, knew that the amputated portion of DeJuan William's penis was preserved by them in their possession, custody and control for an undisclosed period of time and then it was thrown away.

86.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, as well as Life Cycle agents/employees Person and Gonzalez and others, knew that the amputated portion of DeJuan William's penis was never made available by them for attempted reattachment by a competent surgeon.

87.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, as well as Life Cycle agents/employees Person and Gonzalez and others, willfully did not disclose to, and fraudulently concealed from, Plaintiff Stacie Willis the fact that a portion of her infant son's penis was amputated during the botched circumcision procedure by Defendant Jones.

88.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, as well as Life Cycle agents/employees Person and Gonzalez and others, willfully did not disclose to, and fraudulently concealed from, Plaintiff Stacie Willis the fact that the amputated portion of her infant son's penis was preserved by them in their possession, custody and control for an undisclosed period of time and then it was thrown away.

89.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, as well as Life Cycle agents/employees Person and Gonzalez and others, willfully did not disclose to, and fraudulently concealed from, Plaintiff Stacie Willis the fact that the amputated portion of her infant son's penis could have been, but was not, made available for attempted reattachment by a competent surgeon.

90.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, and Life Cycle agent/employee Person, had a medical professional-patient relationship with Plaintiffs, and a duty to make a full disclosure of the botched circumcision, including the fact that a portion of DeJuan William's penis had been amputated, that the amputated portion of

his penis had been preserved in their possession, custody and control, and that it could be made available to a competent surgeon for attempted reattachment.

91.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, as well as Life Cycle agent/employee Person, breached their duty of disclosure by willfully and fraudulently concealing from Plaintiffs the facts concerning the botched circumcision, including the fact that a portion of DeJuan William's penis had been amputated, that the amputated portion of his penis had been preserved in their possession, custody and control, that it was later thrown away, and that it could be made available to a competent surgeon for attempted reattachment.

92.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, as well as Life Cycle agent/employee Person, committed actual fraud, constructive fraud, and fraudulent concealment (suppression) as defined in O.C.G.A. § 23-2-51, § 23-2-53, § 23-2-57, § 23-2-58, and § 51-6-61.

93.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, as well as Life Cycle agent/employee Person, engaged in acts of omission and/or commission as set forth herein, which are contrary to legal or equitable duty, trust, and confidence justly reposed in them through their medical professional-patient relationship with Plaintiffs; and they made false representation and/or suppression of material facts, which they knew to be false, with the intention of inducing Plaintiffs to rely upon them, to the Plaintiffs' detriment and damage.

94.

As a direct and proximate result of Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, as well as Life Cycle agent/employee Person, commission of actual fraud, constructive fraud, and fraudulent concealment (suppression), DeJuan Williams suffered permanent and catastrophic physical and mental injuries, and other damages as set forth in this Complaint for Damages.

95.

Plaintiffs are entitled to recover from Defendants Sigouin, Jones, Register, and Life Cycle, all damages set forth in this Complaint for Damages and other damages allowed by law, for Defendants' commission of actual fraud, constructive fraud, and fraudulent concealment (suppression) against Plaintiffs.

**COUNT V – AGGRAVATED BATTERY AGAINST DEFENDANTS
SIGOUIIN, JONES, REGISTER AND LIFE CYCLE**

96.

The facts in paragraphs 1 through 48 are incorporated herein by this specific reference.

97.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, did not obtain the informed consent, or the basic consent, of Plaintiff Stacie Willis for retaining possession, custody and control of the amputated portion of her infant son's penis, a fact which they concealed from Plaintiff Stacie Willis.

98.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, did not obtain the informed consent, or the basic consent, of Plaintiff Stacie Willis for

throwing away the amputated portion of her infant son's penis, a fact which they concealed from Plaintiff Stacie Willis.

99.

Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, committed aggravated battery as defined in O.C.G.A. § 16-5-24(a), against the infant DeJuan Williams when they amputated a portion of his penis, and without the knowledge and/or consent of the mother, when they took possession, custody and control of the amputated portion of his penis, and when they threw away the amputated portion of his penis, all without the knowledge or informed consent or basic consent of Plaintiff Stacie Willis, the infant's mother. Defendants maliciously caused bodily harm to Plaintiff's infant son by depriving him and/or his mother of the amputated portion of his penis, which was a member of the infant's body, and thereby rendering the amputated portion of his penis unavailable and useless for a reattachment surgery.

100.

As a direct and proximate result of Defendants Sigouin, Jones, and Register, individually and on behalf of Defendant Life Cycle, commission of aggravated battery against DeJuan Williams, he has suffered a deformity to his penis and other permanent and catastrophic physical and mental injuries, and other damages as set forth in this Complaint for Damages.

101.

Plaintiffs are entitled to recover from Defendants Sigouin, Jones, Register, and Life Cycle, all damages set forth in this Complaint for Damages and other damages allowed by law, for Defendants commission of aggravated battery against Plaintiff DeJuan Williams.

**COUNT VI – PUNITIVE DAMAGES AGAINST DEFENDANTS
SIGOUIN, JONES, REGISTER AND LIFE CYCLE**

102.

The facts in paragraphs 1 through 48 are incorporated herein by this specific reference.

103.

The evidence is clear and convincing that Defendants Sigouin, Jones, Register, and Life Cycle's, individually and collectively, engaged in actions constituting fraud, constructive fraud, fraudulent concealment and aggravated battery, all as set forth herein, which manifested willful, reckless and wanton disregard for, and conscious indifference to the duties and responsibilities of their medical professional-patient relationship with Plaintiffs, and the health and wellbeing of the infant DeJuan Williams.

104.

As a consequence of Defendants Sigouin, Jones, Register, and Life Cycle's willful, reckless and wanton disregard for, and conscious indifference to the duties and responsibilities of their medical professional-patient relationship with Plaintiffs, and the health and wellbeing of the infant DeJuan Williams, severe and permanently mutilating physical and mental injury was inflicted upon DeJuan Williams, and punitive damages should be awarded against Defendants Sigouin, Jones, Register, and Life Cycle pursuant to Georgia law, O.C.G.A. § 51-12-5.1.

COUNT VII – EXPENSES OF LITIGATION AGAINST LIFE CYCLE DEFENDANTS

105.

The facts in paragraphs 1 through 48 are incorporated herein by this specific reference.

106.

The misconduct of the Life Cycle Defendants giving rise to this Complaint for Damages was perpetrated in bad faith and has caused Plaintiff unnecessary trouble and expense.

107.

Under these circumstances, Plaintiff is entitled to recovery of expenses of litigation, including attorneys' fees pursuant to O.C.G.A. § 13-6-11.

WHEREFORE, Plaintiff, individually and as the natural guardian and parent of her infant son DeJuan Williams, respectfully prays as follows:

(a) That summons and process be issued requiring Defendants to be served as provided by law and requiring the Defendants to answer this Complaint;

(b) PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY of all issues in this action;

(c) With regard to Count I, the medical malpractice, negligence and gross negligence claims against Defendants Jones, Sigouin, Register and Life Cycle; Count II the medical malpractice and negligence claims against Kamishlian and Daffodil Pediatric; and Count III negligent hiring, retention, training and supervision against Sigouin and Life Cycle, as joint tortfeasors, jointly and severally, Plaintiff demands judgment in excess of \$10,000;

(d) With regard to Count IV fraud, constructive fraud and fraudulent concealment; Count V aggravated battery; and Count VI punitive damages against Defendants Jones, Sigouin, Register and Life Cycle, as joint tortfeasors, jointly and severally, in an amount determined by the jury, Plaintiff demands judgment in excess of \$10,000,000;

(e) With regard to Count VII expense of litigation against the Life Cycle Defendants, for expenses of litigation, including attorneys' fees, Plaintiff demands judgment in the amount actually incurred;

(f) That the Court cast the costs of this action against Defendants; and

(g) That Plaintiffs have such other and further relief to which they may be entitled.

Respectfully submitted, this 16th day of November, 2017.

/s/ Jay F. Hirsch

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Fourth Amended Complaint for Damages** was electronically filed with the Court using Odyssey eFileGA which will automatically send a copy to counsel of record, and by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, addressed as follows:

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This 16th day of November, 2017.

/s/ Jay F. Hirsch

Jay F. Hirsch
Counsel for Plaintiff