

No. 16A58995E4

STATE COURT OF DEKALB COUNTY
GEORGIA, DEKALB COUNTY

Date Summons Issued and Filed
3/10/2016

SUMMONS

/s/ Michelle Cheek
Deputy Clerk

Arlene Thomas c/o Edmond, Lindsay & Hoffer, LLP

Deposit Paid \$ _____

344 Woodward Avenue SE, Atlanta, GA 30312
(Plaintiff's name and address)

ANSWER

vs.

JURY

Ajay K. Joshi, M.D.

3318 Ferncliff PL, NE

Atlanta, GA 30324
(Defendant's name and address)

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

Tricia Hoffer, Esq.
(Name)
Edmond, Lindsay & Hoffer, 344 Woodward Ave., SE, Atlanta, GA 30312
(Address)
404-525-1080 666951
(Phone Number) (Georgia Bar No.)

an ANSWER to the complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. (Plus cost of his action.)

Defendant's Attorney

Third Party Attorney

Address

Address

Phone No. Georgia Bar No.

Phone No. Georgia Bar No.

TYPE OF SUIT

Account Personal Injury Principal \$ _____
 Contract Medical Malpractice Interest \$ _____
 Note Legal Malpractice Atty Fees \$ _____
 Trover Product Liability
 Other

Transferred From _____

(Attach BLUE to Original and WHITE to Service Copy of complaint)

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

ARLENE THOMAS, individually, and as)
Administrator of the Estate of)
Lisa Dionne Calhoun)
)
Plaintiff,)

LAWANNA K. MONDAY, D.P.M.,)
VILLAGE PODIATRY CENTERS,)
AJAY K. JOSHI, M.D.,)
DEKALB MEDICAL CENTER ,)
JOHN DOE 1, and)
JOHN DOE 2,)
)
Defendants.)

CIVIL ACTION)
FILE NO. 16A58995E4)

COMPLAINT

COMES NOW, the Plaintiff, ARLENE THOMAS, Individually and as Administrator of the Estate of Lisa Dionne Calhoun, and files this Complaint for Damages and Demand for Jury Trial (“Complaint”) against the above-named Defendants, and show this Honorable Court the following:

I. PARTIES, JURISDICTION AND VENUE

1.

Plaintiff ARLENE THOMAS is a resident of the State of Georgia who is above the age of majority and who brings this action for the full value of Lisa Dionne Calhoun’s life, her conscious pain and suffering, loss of enjoyment of life, and for her funeral, medical, and other necessary expenses, individually and in her capacity as Administrator of the Estate of Lisa Dionne Calhoun. Attached as Exhibit 1 to this Complaint is a copy

of the Letters of Administration issued by the Probate Court of Dekalb County, Georgia, appointing Arlene Thomas Administrator of the Estate of Lisa Dionne Calhoun.

2.

Defendant Lawanna K. Monday, D.P.M. (“Defendant Monday” or “Dr. Monday”), at all times relevant to this Complaint, was a medical doctor, specializing in podiatry medicine, licensed in the State of Georgia and a resident of the State of Georgia. She is subject to the jurisdiction and venue of this Court. Defendant Monday may be served with process at her residence at 350 Clearbrook Drive, Covington, Newton County, GA 30016.

3.

Defendant John Doe No. 1, upon information and belief, is a natural person residing in the State of Georgia and was at all times pertinent to this Complaint either an employee of Defendant Village Podiatry Centers. The actual identity of John Doe 1 is at this time unknown to the Plaintiff but is known to the named Defendants. John Doe 1 is subject to the jurisdiction and venue of this Court and will be specifically identified by amendment once his identity has been ascertained through discovery and may be served with the Summons and Complaint as appropriate, via service at his residence, once determined.

4.

Defendant Village Podiatry Centers (“VPC”), is a limited liability company licensed to do business in the State of Georgia and may be served in Fulton County through its registered agent, Matthew M. Liss, Esq. at 5 Concourse Parkway, Suite 2600

Atlanta, Fulton County, GA 30328. Defendant VPC is subject to the venue and jurisdiction of this Court.

5.

Defendant Ajay K. Joshi, M.D. (“Defendant Joshi” or “Dr. Joshi”), at all times relevant to this Complaint, was a medical doctor licensed in the State of Georgia and a resident of the State of Georgia. He is subject to the jurisdiction and venue of this Court. Defendant Joshi may be served with process at his residence at 3318 Ferncliff PL NE, Atlanta, Fulton County, GA 30324.

6.

Defendant John Doe No. 2, upon information and belief, is a natural person residing in the State of Georgia and was at all times pertinent to this Complaint either an employee of Defendant Dekalb Medical Center. The actual identity of John Doe 2 is at this time unknown to the Plaintiff but is known to the named Defendants. John Doe 2 is subject to the jurisdiction and venue of this Court and will be specifically identified by amendment once his identity has been ascertained through discovery and may be served with the Summons and Complaint as appropriate, via service at his residence, once determined.

7.

Defendant Dekalb Medical Center (“DMC”), is a domestic nonprofit corporation licensed to do business in the State of Georgia and may be served in Dekalb County through its registered agent, Joel Schuessler, at 2701 N. Decatur Road, Decatur, DeKalb County, GA, 30033. Defendant DMC is subject to the venue and jurisdiction of this Court.

II. FACTUAL ALLEGATIONS

8.

Lisa Dionne Calhoun was a 51 year old woman at the time of her death on July 1, 2014. Lisa Dionne Calhoun was diabetic.

9.

On May 13, 2014 Ms. Calhoun presented to her podiatrist, Dr. Lawanna K. Monday, M.D., at Village Podiatry Centers complaining of pain on the top and outer right side of her right foot. Dr. Monday examined Ms. Calhoun, obtained x-rays and diagnosed her with tendonitis, pes plantis and osteoarthritis of her foot and ankle. She recommended rest, ice, stretching, orthotics and ordered an arterial blood index test to assess Ms. Calhoun's arterial vascular status and recommended a two week follow-up visit.

10.

Ms. Calhoun returned to VPC on June 26, 2014 complaining of right foot pain and right leg swelling for a couple of days. She complained of pain behind her calf and knee. She communicated to Dr. Monday that she was experiencing increased pain over the past couple of days on the top and outer parts of her right foot. Dr. Monday's assessment included the diagnosis of "phlebitis (deep) DVT." Dr. Monday ordered a venous Doppler ultrasound "to evaluate for blood clot" and requested a return visit in two weeks.

11.

Ms. Calhoun got the ultrasound that was ordered by Dr. Monday at DeKalb Medical Center that same day, June 26, 2014.

12.

The ultrasound showed evidence of a subacute partially occlusive thrombus in the right popliteal, peroneal, and anterior tibial veins.

13.

“The preliminary report was called to Willie in Dr. Monday’s office by the performing technologist at the completion of the exam.”

14.

Ajay Joshi read the final report.

15.

Medical records do not indicate that anyone from Dr. Monday’s office communicated to Ms. Calhoun the results of the June 26, 2014 ultrasound.

16.

Upon information and belief, neither Dr. Monday nor her staff made Ms. Calhoun aware of the results from the June 26, 2014 ultrasound.

17.

At approximately 3:22 A.M. on July 1, 2014, Ms. Calhoun presented to the Dekalb Medical Center Emergency Room complaining of chest pain and shortness of breath that began on June 29, 2014.

18.

When she presented to the DeKalb Medical Center Emergency Room on July 1, 2014, Ms. Calhoun had not been told the results of the June 26, 2014 ultrasound.

19.

Emergency room physician Tonya N. Callahan, M.D. (“Dr. Callahan”) questioned Ms. Calhoun about the ultrasound and discovered it was performed at DMC. Dr. Callahan obtained the report and noted that the ultrasound ordered by Dr. Monday showed a subacute partial thrombus in the right leg. Ms. Calhoun was completely unaware of the ultrasound results from June 26, 2014.

20.

Dr. Callahan was unable to obtain proper access to obtain a CT-PE protocol. So she ordered a V/Q scan. When informed that the medicine to do the VQ scan would not be at the hospital until 6:30 A.M., Dr. Callahan admitted Ms. Calhoun into the hospital and began medical treatment as though she had a PE.

21.

Ms. Calhoun was admitted to the Dekalb Medical Center Emergency Room and started on anticoagulation.

22.

At approximately 9:33 A.M. on July 1, 2014, Ms. Calhoun used her call bell to request water. The responding nurse noticed Ms. Calhoun was diaphoretic and anxious, presumably due to her diabetes. The nurse gave Ms. Calhoun orange juice.

23.

Dr. Jean Gustave E. Shoumou, M.D. was paged, and he ordered an immediate EKG (electrocardiogram). At 9:35 A.M., Dr. Shoumou issued new orders to obtain an ABG (arterial blood gas).

24.

Ms. Calhoun suffered cardiac arrest at 9:44 A.M. Dr. Daniel A. Wood, M.D. was called to Ms. Calhoun's bedside where, under his supervision, an R.N. initiated CPR in an attempt to resuscitate her.

25.

Dr. Daniel A. Wood, M.D. pronounced Ms. Calhoun's time of death as 10:05 A.M., caused by cardiac arrest due to an extensive bilateral pulmonary embolism.

III. MEDICAL MALPRACTICE OF DOCTOR LAWANNA K. MONDAY, D.P.M. AND VILLAGE PODIATRY CENTERS

26.

Paragraphs 1-25 of Plaintiff's Complaint are hereby realleged and incorporated by reference as if fully set forth verbatim herein.

27.

Lawanna K. Monday, D.P.M. owed a duty to Lisa Dionne Calhoun to provide the degree of care and skill exercised by doctors of podiatry generally under the same or similar circumstances as those presented by Lisa Dionne Calhoun from May 13, 2014 through July 1, 2014, the date of Lisa Dionne Calhoun's death.

28.

Defendant Monday violated the applicable standard of care when she negligently failed to inform Ms. Calhoun of the subacute partial thrombus revealed by ultrasound on June 26, 2014.

29.

The aforementioned instance of negligence of Defendant Monday proximately caused Ms. Calhoun to develop an extensive bilateral pulmonary embolism, which resulted in Ms. Calhoun experiencing tremendous physical and mental pain and suffering and ultimately resulted in Ms. Calhoun's death.

30.

When Defendant Monday was responsible for the care of Lisa Dionne Calhoun from May 13 2014 through July 1, 2014, the date of Ms. Calhoun's death, she was an employee and/or agent, and/or ostensible agent of Village Podiatry Centers. Through theories of agency and/or vicarious liability, Defendant VPC is responsible for the negligent acts or omissions of Defendant Monday.

31.

As a direct and proximate result of each of the individual and independent aforementioned instances of negligence of VPC, by and through its employee and/or agent and/or ostensible agent, Defendant Monday, Lisa Dionne Calhoun experienced tremendous physical and emotional pain and suffering and ultimately died.

32.

Pursuant to O.C.G.A. § 9-11-9.1, the Plaintiff attaches as Exhibit "2" and incorporates by reference the affidavit of Michael Dixon, M.D. a doctor of podiatry, competent to testify in this matter, alleging at least one negligent act or omission by Defendant's Monday and VPC and thus fulfilling the requirements of O.C.G.A. § 9-11-9.1.

IV. ORDINARY NEGLIGENCE OF JOHN DOE (a.k.a. "WILLIE") AND VILLAGE PODIATRY CENTERS

33.

Paragraphs 1 through 32 of Plaintiff's Complaint are hereby realleged and incorporated as though fully set forth herein.

34.

The acts and omissions of the Defendant John Doe 1 (a.k.a. "Willie"), namely failing to either communicate to Dr. Monday or Ms. Calhoun the preliminary results from the lower extremity ultrasound that was done at DeKalb Medical Center on June 26, 2014 (that were given to him immediately after the study by Defendant John Doe 2 (DMC ultrasound technician)) or otherwise failing to exercise that degree of due care owed by a reasonable and prudent person under same and similar circumstances, constitute ordinary negligence for which Defendants John Doe 1 and VPC are liable.

35.

Said ordinary negligence by John Doe 1 (a.k.a. "Willie") prevented the timely diagnosis and treatment of Ms. Calhoun's DVT and thereby proximately caused Ms. Calhoun to develop an extensive bilateral pulmonary embolism, which resulted in Ms. Calhoun experiencing tremendous physical and mental pain and suffering and ultimately resulted in Ms. Calhoun's death.

36.

When Defendant John Doe 1 (a.k.a. "Willie") was responsible for relaying the information given to him from John Doe 2 (DMC tech) to Dr. Monday and/or Ms. Calhoun on July 26, 2014, he was an employee and/or agent, and/or ostensible agent of

VPC. Through theories of agency and/or vicarious liability, Defendant VPC is responsible for the negligent acts or omissions of Defendant John Doe 1 (a.k.a. "Willie").

37.

As a direct and proximate result of the ordinary negligence of VPV, by and through its employee, agent and/or ostensible agent, John Doe 1 (a.k.a. "Willie"), Lisa Dionne Calhoun developed an extensive bilateral pulmonary embolism, which resulted in Ms. Calhoun experiencing tremendous physical and mental pain and suffering and ultimately resulted in Ms. Calhoun's death.

V. MEDICAL MALPRACTICE OF AJAY K. JOSHI, M.D., AND DEKALB MEDICAL CENTER

38.

Paragraphs 1-37 of Plaintiff's Complaint are hereby realleged and incorporated by reference as if fully set forth herein.

39.

Ajay K. Joshi, M.D., owed a duty to Lisa Dionne Calhoun to provide the degree of care and skill exercised by radiologists generally under the same or similar circumstances as those presented by Ms. Lisa Calhoun when he interpreted her lower extremity Doppler ultrasound on June 26, 2014.

40.

Defendant Joshi violated the applicable standard of care when negligently failed to ensure that the final results from his interpretation of the lower extremity ultrasound study done at DMC on June 26, 2014 were communicated in a timely manner to the ordering physician, Dr. Lawanna Monday.

41.

The aforementioned instance of negligence of Defendant Joshi proximately caused Ms. Calhoun to develop an extensive bilateral pulmonary embolism, which resulted in Ms. Calhoun experiencing tremendous physical and mental pain and suffering and ultimately resulted in Ms. Calhoun's death.

42.

When Defendant Joshi was responsible for the care of Lisa Dionne Calhoun on June 26, 2014, the date of Ms. Calhoun's lower extremity Doppler ultrasound, he was an employee and/or agent, and/or ostensible agent of DeKalb Medical Center. Through theories of agency and/or vicarious liability, Defendant DMC is responsible for the negligent acts or omissions of Defendant Joshi.

43.

As a direct and proximate result of each of the individual and independent aforementioned instances of negligence of DMC, by and through its employee and/or agent and/or ostensible agent, Defendant Joshi, Lisa Dionne Calhoun developed an extensive bilateral pulmonary embolism, which resulted in Ms. Calhoun experiencing tremendous physical and mental pain and suffering and ultimately resulted in Ms. Calhoun's death.

44.

Pursuant to O.C.G.A. § 9-11-9.1, the Plaintiff attaches as exhibit "2" and "3" and incorporates by reference the affidavits of Michael Dixon, M.D. a doctor of podiatry. And William Kenneth Mask, M.D., a doctor of radiology, respectively, ...both being competent to testify in this matter, alleging at least one negligent act or omission by Dr.

Lawanna Monday and by Dr. Ajay Joshi, respectively; hereby fulfilling the requirements of O.C.G.A. § 9-11-9.1.

VI. WRONGFUL DEATH CLAIM

45.

Paragraphs 1-44 of Plaintiff's Complaint Plaintiff's Complaint are hereby realleged and incorporated by reference as if fully set forth herein.

46.

As a proximate result of the Defendants' negligence, Ms. Calhoun died. As the sister and personal representative of Ms. Calhoun, Plaintiff is entitled to recover damages from Defendants for the full value of Ms. Calhoun's life, including without limitation loss of earnings and services.

VII. ESTATE CLAIM

47.

Paragraphs 1 through 46 of Plaintiff's Complaint are hereby realleged and incorporated by reference as if fully set forth herein.

48.

As a proximate result of the Defendants' negligence, Ms. Calhoun suffered significant physical and emotional pain and suffering, and expenses necessitated by reason of her medical care and associated with her death, including without limitation medical, funeral and burial expenses. As the Administrator of Ms. Calhoun's estate, Plaintiff ARLENE THOMAS is entitled to recover from Defendants, on behalf of Ms. Calhoun's estate, for her pain and suffering and loss of enjoyment of life, and for necessary expenses.

VIII. DAMAGES

49.

Paragraphs 1-48 of Plaintiff's Complaint are hereby realleged and incorporated by reference as if fully set forth herein.

50.

As a proximate result of Defendants' negligence, jointly and severally, appropriate treatment of Lisa Dionne Calhoun's subacute partial thrombus was not given, and she experienced tremendous physical and emotional pain and suffering prior to her death. Plaintiff is entitled to recover on behalf of Lisa Dionne Calhoun's estate from Defendants for her pain and suffering and loss of enjoyment of life, and for necessary expenses.

51.

As a proximate result of Defendants' negligence, jointly and severally, appropriate treatment of Lisa Dionne Calhoun's subacute partial thrombus was not given, and Plaintiff is entitled to recover for her wrongful death.

52.

As a proximate result of Defendant's negligence, jointly and severally, appropriate treatment of Lisa Dionne Calhoun's subacute partial thrombus was not given, and Ms. Calhoun's estate is entitled to payment of damages associated with medical expenses, as well as funeral and burial costs.

WHEREFORE, Plaintiff prays as follows:

- (a) The Defendants be served as provided by law;
- (b) That they have a trial by a jury of twelve persons;

- (c) That judgment be entered in favor of the Plaintiff and against the Defendants, jointly and severally, in an amount in excess of \$10,000.00 for damages for the full value of Lisa Dionne Calhoun's life, for injuries, and pain and suffering endured by Lisa Dionne Calhoun, and for funeral and burial expenses.
- (d) That all costs be taxed against the Defendants jointly and severally, including attorneys' fees; and,
- (e) That Plaintiffs have all other relief as this Court deems just and proper.

This 10th day of March, 2016.

Respectfully submitted,

EDMOND, LINDSAY & HOFFLER, LLP

/s/ Tricia P. Hoffler

TRICIA P. HOFFLER
Georgia Bar No. 666951
RODERICK E. EDMOND
Georgia Bar No. 239618
KEITH L. LINDSAY
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STATE COURT OF
DEKALB COUNTY, GA.
3/10/2016 11:47:57 AM
E-FILED
BY: Michelle Cheek

EXHIBIT 1

IN THE PROBATE COURT
COUNTY OF DEKALB
STATE OF GEORGIA

IN RE: ESTATE OF)

LISA DIONNE CALHOUN,)
DECEASED)

ESTATE NO. 2014-1402

LETTERS OF ADMINISTRATION
(Bond, Inventory and Returns Required)

WHEREAS, LISA DIONNE CALHOUN, died intestate

(Initial one)

JDR domiciled in this County;

_____ not domiciled in this State, but owning property in this County;

and this Court granted an order appointing **ARLENE CHERIE THOMAS** as Administrator of the estate of said decedent, on condition that said Administrator give bond and security and give oath as required by law; and the said Administrator having complied with said conditions; the Court hereby grants unto said Administrator full power to collect the assets of said decedent, and to pay the debts of said estate, so far as such assets will extend, according to law, and then to pay over the balance, if any, to the legal heirs of said decedent, and to do and perform all other duties as such Administrator, according to the laws of this State.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court of said County and the seal of this office this 31st day of MARCH, 2015.

JERYL DEBRA ROSH

Judge of the Probate Court

NOTE: The following must be signed if the judge
does not sign the original of this document:

Issued by:

Michelle Wingard
Clerk/Deputy Clerk of the Probate Court

(Seal)



PROBATE COURT
COUNTY OF DEKALB
STATE OF GEORGIA
CLERK

2899-8527

**CERTIFICATE OF COPY
STATE OF GEORGIA
COUNTY OF DEKALB**

As Clerk of the Probate Court of DeKalb County, Ga., I do hereby certify that I have compared the foregoing copy with the original record thereof, now remaining in this office. This document consists of 1 pages is hereby certified to be a true copy of the original document on file in the Probate Court at DeKalb County, Ga. The Probate Court is a Court of Record.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court this the 20 day of Apr 2015

M. G. O. Wingard
Clerk, Probate Court
DeKalb County, Ga.

EXHIBIT 2

STATE OF GEORGIA
COUNTY OF COBB

AFFIDAVIT OF DR. MICHAEL W. DIXON, DPM

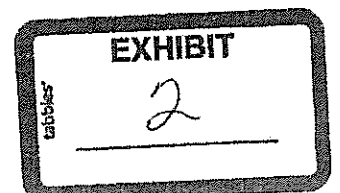
Before the undersigned officer authorized to administer oaths personally appeared Dr. Michael W. Dixon, DPM, who, being first sworn, states under oath as follows:

1.

I am of age of majority and I suffer no disability that would preclude me from giving testimony in this matter.

2.

I am a medical doctor duly licensed to practice medicine in the State of Georgia. I graduated from California College of Podiatric Medicine in San Francisco, California in May 2000, receiving a degree of Doctor of Podiatric Medicine. I completed my sub-internship core at the VA Hospital and University of New Mexico Health Sciences Center in Albuquerque, New Mexico. I completed my rotating podiatric residency at Roger Williams Medical Center/Boston University in Providence, Rhode Island. In addition I completed my podiatric surgery residency at Orange Coast Memorial Medical Center in Fountain Valley, California. Also, I completed my surgical residency in reconstructive foot and ankle surgery in Georgia. I am board certified in reconstructive foot and ankle surgery by the American Board of Foot and Ankle Surgery. I am board certified in Podiatric Medicine and Biomechanics by the American Board of Podiatric Medicine. I am board certified in wound management by the American Board of Wound Management. I have been continuously practicing podiatry medicine for the past 16 years. I have supervised and instructed physicians in the context of podiatry medicine in at least 3 of the past 5 years. It is by virtue of this professional experience that I am



familiar with the standard of care applicable to physicians in circumstances similar to those existent when Ms. Lisa Dionne Calhoun was treated on June 26, 2014, June 29, 2014 and July 1, 2014 at Village Podiatry Centers and DeKalb Medical Center. I have evaluated and treated patients who presented to emergency rooms with complaints similar to Ms. Calhoun. Attached to this affidavit and incorporated herein is my current Curriculum Vitae which further sets forth my education, professional accomplishments and experience.

3.

This Affidavit is based on my personal knowledge obtained through my education, training and experience as a physician, and upon my review of the following documents and medical records pertaining to the care and treatment of Ms. Lisa Dionne Calhoun:

- a. Medical Records from North Tucker Medical;
- b. Medical Records from Village Podiatry Centers (VPC); and
- c. Medical Records from DeKalb Medical Center.

4.

FACTUAL ALLEGATIONS

- a. Lisa Dionne Calhoun was a 51 year old woman at the time of her death on July 1, 2014. Lisa Dionne Calhoun was diabetic.
- b. On May 13, 2014 Ms. Calhoun presented to her podiatrist, Dr. Lawanna K. Monday, M.D., at Village Podiatry Centers complaining of pain on the top and outer right side of her right foot. Dr. Monday examined Ms. Calhoun, obtained x-rays and diagnosed her with tendonitis, pes plantis and osteoarthritis of her foot and ankle. She

recommended rest, ice, stretching, orthotics and ordered an arterial blood index test to access Ms. Calhoun's arterial vascular status and recommended a two week follow-up visit.

c. Ms. Calhoun returned to VPC on June 26, 2014 complaining of right foot pain and right leg swelling for a couple of days. She complained of pain behind her calf and knee. She communicated to Dr. Monday that she was experiencing increased pain over the past couple of days on the top and outer parts of her right foot. Dr. Monday's assessment included the diagnosis of "phlebitis (deep) DVT." Dr. Monday ordered a venous Doppler ultrasound "to evaluate for blood clot" and requested a return visit in two weeks.

d. Ms. Calhoun got the ultrasound that was ordered by Dr. Monday at DeKalb Medical Center that same day, June 26, 2014.

e. The ultrasound showed evidence of a subacute partially occlusive thrombus in the right popliteal, peroneal, and anterior tibial veins.

f. "The preliminary report was called to Willie in Dr. Monday's office by the performing technologist at the completion of the exam."

g. Ajay Joshi, M.D. read the final report.

h. Medical records do not indicate that anyone from Dr. Monday's office communicated to Ms. Calhoun the results of the June 26, 2014 ultrasound.

i. Upon information and belief, neither Dr. Monday nor her staff made Ms. Calhoun aware of the results from the June 26, 2014 ultrasound.

j. At approximately 3:22 A.M. on July 1, 2014, Ms. Calhoun presented to the Dekalb Medical Center Emergency Room complaining of chest pain and shortness of breath that began on June 29, 2014.

k. When she presented to the DeKalb Medical Center Emergency Room on July 1, 2014, Ms. Calhoun had not been told the results of the June 26, 2014 ultrasound.

l. Emergency room physician Tonya N. Callahan, M.D. questioned Ms. Calhoun about the ultrasound and discovered it was performed at DMC. Dr. Callahan obtained the report and noted that the ultrasound ordered by Dr. Monday showed a subacute partial thrombus in the right leg. Ms. Calhoun was completely unaware of the ultrasound results from June 26, 2014.

m. Dr. Callahan was unable to obtain proper access to obtain a CT-PE protocol. So she ordered a V/Q scan. When informed that the medicine to do the VQ scan would not be at the hospital until 6:30 A.M., Dr. Callahan admitted Ms. Calhoun into the hospital and began medical treatment as though she had a PE.

n. Ms. Calhoun was admitted to the Dekalb Medical Center Emergency Room and started on anticoagulation.

o. At approximately 9:33 A.M. on July 1, 2014, Ms. Calhoun used her call bell to request water. The responding nurse noticed Ms. Calhoun was diaphoretic and anxious, presumably due to her diabetes. The nurse gave Ms. Calhoun orange juice.

p. Dr. Jean Gustave E. Shoumou, M.D. was paged, and he ordered an immediate EKG (electrocardiogram). At 9:35 A.M., Dr. Shoumou issued new orders to obtain an ABG (arterial blood gas).

q. Ms. Calhoun suffered cardiac arrest at 9:44 A.M. Dr. Wood was called to Ms. Calhoun's bedside where, under his supervision, an R.N. initiated CPR in an attempt to resuscitate her.

r. Dr. Daniel A. Wood, M.D. pronounced Ms. Calhoun's time of death as 10:05 A.M., caused by cardiac arrest due to an extensive bilateral pulmonary embolism.

5.

I am familiar with the standard of care for podiatric physicians generally in instances such as those existent when Mrs. Lisa Dionne Calhoun was treated by Dr. Lawanna Monday from June 26, 2014 when Mrs. Calhoun presented with right leg pain until July 1, 2014 when she presented to the emergency room complaining of chest pain and shortness of breath.

6.

The standard of care for podiatric physicians generally for patients with like and similar conditions such as Ms. Lisa Dionne Calhoun, when she presented to Dr. Lawanna Monday and VPC on June 26, 2014 with right leg pain until July 1, 2014 when she presented to the emergency room complaining of chest pain and shortness of breath, is that lower extremity ultrasound results when considering the presence of deep vein thrombosis must be communicated promptly to a patient to ensure appropriated treatment and to prevent the development of pulmonary emboli.

7.

It is my opinion that Dr. Lawanna K. Monday, D.P.M. owed a duty to Lisa Dionne Calhoun to provide the degree of care and skill exercised by doctors of podiatry generally under the same or similar circumstances as those presented by Lisa Dionne

Calhoun from May 13, 2014 through July 1, 2014, the date Mrs. Lisa Dionne Calhoun presented to the emergency room complaining of chest pain and shortness of breath.

8.

It is also my opinion within a reasonable degree of medical probability that Dr. Monday violated the applicable standard of care when she negligently failed to inform Ms. Calhoun of the subacute partial thrombus revealed by ultrasound on June 26, 2014.

9.

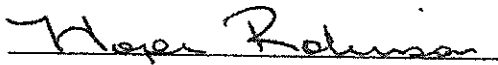
It is my opinion that the negligence of Dr. Monday proximately caused Ms. Calhoun to delay the diagnosis and treatment of deep vein thrombi, which resulted in Ms. Calhoun developing a pulmonary embolism, experiencing tremendous physical and mental pain and suffering and ultimately resulted in Ms. Calhoun's death.

This affidavit is given for the purpose of specifying at least one negligent act or omission by each Defendant as required by O.C.G.A. § 9-11-9.1 and does not include all of my opinions relative to this matter.

AFFIDANT FURTHER SAYETH NOT.

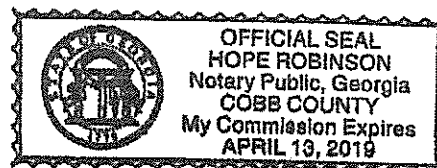

DR. MICHAEL DIXON, DPM

Sworn to and subscribed before me
This 10 day of March, 2016.



Notary Public

My commission expires: April 13, 2019



MICHAEL W. DIXON DPM, FACFAS, FACFAOM, CWSP

Barrett Parkway Foot and Leg Specialists PC

440 Ernest Barrett Parkway Suite 62

Kennesaw, GA 30144-4949

Office 770.422.0280

Fax 770.426.5388

calcaneus2000@gmail.com

www.barrettfootandleg.com

EDUCATION

- B.A. Psychology: Cum Laude
Minors ①Spanish ②Chemistry ③Sociology.
University of Oregon, Eugene, Oregon. June 1995. 3.77 GPA
- DPM (Doctor of Podiatric Medicine): Pi Delta
California College of Podiatric Medicine
San Francisco, California. May 2000. 4.0 GPA
- Sub-internship Core
VA Hospital and University of New Mexico Health Sciences Center
Albuquerque, New Mexico 1999-2000
- Externship
Emory Northlake Regional Medical Center
Atlanta, Georgia 6/1999
- RPR (Rotating Podiatric Residency)
Roger Williams Medical Center/Boston University
Providence, Rhode Island 2000/2001
- PSR-12 (Podiatric Surgery Residency 12 months)
Orange Coast Memorial Medical Center
Fountain Valley, California 2001/2002
- PSR-24/ Fellowship (Podiatric Surgery Residency 24 months)
Ambulatory Foot & Leg Health Care Specialists
Austell, Georgia 2002/2003

RESEARCH

University of Oregon

- Emotional Affect in Children with Attention Deficit Hyperactive Disorder (ADHD).
- Professional coding for the Oregon Marital Studies Program using the MICS IV system.

California College of Podiatric Medicine

- Reduction of Post-surgical Inflammation with Dexamethasone and Marcaine.
- Hyperbaric Oxygen Treatment and Wound Healing.
- Accuracy of Deep Wound Culture in Podiatric Infections.

Roger Williams Medical Center/Boston University

- Intraarticular Injection of High Molecular Weight Hyaluronic Acid in the First MTPJ of the Foot.

Orange Coast Memorial Medical Center

- Isolated Bone Tumor of the Ankle
- Synovial Chondromatosis of the Knee Joint
- Congenital Neurofibrolipoma and Isolated Macroductyly

Foot And Leg Health Care Associates

- Correlation Between Plantar Fasciitis And Hallux Limitus/ Rigidus
- FDA Monitored, Prospective, Double Blind Study: Extracorporeal Shock Wave Therapy Treatment For Recalcitrant Plantar Fasciitis
- FDA Monitored, Prospective, Double Blind Study: Ertapenem Versus Piperacillin/Tazobactam in the Treatment of Diabetic Foot Infections in Adults

HONORS, AWARDS, ACTIVITIES, CERTIFICATION

University of Oregon

- Phi Beta Kappa Member
- Mortar Board Member
- Golden Key Member
- Psi Chi Member
- Pi Gamma Mu Member
- Asklepiads Member.

- Centurion Service Award Recipient 1994
- Centurion Service Award Recipient 1995
- Member of Who's Who Among American Universities Member
- 8 times Dean's List
- Dean's Scholar 1992-1993
- Junior Scholar 1993-1994
- Nominated Representative at the North West Residence Life Leadership Conference 1993.

- Vice President- Asklepiads
- Junior Scholar Chair- Mortar Board
- Vice President- Golden Key Honor Society

California College of Podiatric Medicine

- Pi Delta (top 10 percent)
- American College of Foot and Ankle Surgeons Member
- Alpha Gamma Kappa Member
- Clinical Biomechanics Club
- Sports Medicine Club
- American Diabetes Awareness Club
- Students for the Promotion of Societal Awareness of Podiatric Medicine Member
- Practice Management Club
- Geriatric Medicine Club
- Alumni and Associates Member
- Education Committee Representative
- Biomedical Informatics/Self Study Program Representative
- Library Committee Representative.

- WICHE Scholarship Recipient (1 of 2 awarded for Oregon state)- Oregon State Department of Higher Education
- Presidential Scholarship- CCPM
- FFE Scholarship Recipient
- FPME Service and Academic Award Scholarship Recipient
- PEO Service Award Scholarship Recipient
- 4 times Dean's listed
- Presidential Scholar 1996-1998.

- Task Force Student Representative- Biomedical Informatics
- Class of 2000 Representative- Education Committee
- Anatomy and Biochemistry Tutor- CCPM Basic Sciences
- Computer Science and IT Network Technician- CCPM CIS
- Completion of Boards Part 1 7/98
- Completion of Boards Part 2 3/00
- Recipient (1 of 4) Sub-internship 11 month core VA and University of New Mexico Albuquerque, NM 1999-2000
Rotations: Hospital Medicine (3 months), Orthopedic Surgery (2 months), Anesthesiology (1 month), Radiology and Nuclear Medicine (1 month)
- Externship: Emory Northlake Regional Medical Center Atlanta, GA 6/2000 (1 month)

Boston University/Roger Williams Medical Center 2000-2001

- Teaching Fellow Appointment: Boston University in Podiatric Medicine and Surgery
- Rotations: Rheumatology, Inpatient Medicine, Intensive Care Medicine, Dermatology, Anesthesia, Emergency Medicine, Podiatric Medicine and Surgery, Vascular Surgery, Neurology, Physical Therapy and Prosthetics, Hyperbaric Medicine
- PMLEXUS (Boards Part 3) Completion 6/01
- Rhode Island State Board of Podiatry Licensure 6/01
- Rhode Island Podiatric Medical Association Member 6/01

Orange Coast Memorial Medical Center 2001-2002

- Chief Resident of Podiatry 2001-2002
- Rotations: Vascular Surgery, Inpatient and Outpatient Medicine, Family Practice, Orthopedic Surgery, Trauma Surgery, General Surgery, Plastic Surgery, Pediatric Surgery, Micro-Surgery, Pathology, Urological Surgery, Geriatric Medicine and Surgery, Psychiatry and Behavioral Medicine, Emergency Medicine
- Radiology, X-ray, and Fluoroscopy Supervisor License State of California 9/01
- DEA Licensure 9/01
- California State Board of Podiatry Licensure 11/01
- California Podiatric Medical Association Member 2001
- Orange County Podiatric Medical Association Member 2001
- Georgia State Board of Podiatry Licensure 4/02
- American Board Of Podiatric Surgery- Board Qualified in Foot Surgery 7/2002
- Associate American College Of Foot And Ankle Surgeons 2002

Ambulatory Foot And Leg Health Care Specialists 2002-2003

- Chief Resident of Podiatry and Fellow 2002-2003
- Associate American College of Foot and Ankle Orthopedics and Medicine 6/2003
- Georgia Podiatric Medical Association Resident Member 6/02
- American Podiatric Medical Association Member 7/02
- Fellow American Academy of Wound Management 11/2002
- Certified Wound Specialist 11/2002
- Resident Member American College of Foot and Ankle Surgeons 2001-2003
- American Board Of Podiatric Surgery- Board Qualified in Reconstructive Rearfoot and Ankle Surgery 6/2003

Foot And Leg Health Care Associates Private Practice 2003

- Fellow American College of Foot and Ankle Orthopedics and Medicine 7/2003
- Fellow American Diabetes Association 7/2003
- Georgia Podiatric Medical Association Member 7/03
- Fellow American College of Foot and Ankle Surgeons 8/2003

- Fellow American College of Foot and Ankle Orthopedics and Primary Podiatric Medicine 8/2003
- Guest Speaker Kennestone Surgical Grand Rounds 09/17/2003

Barrett Parkway Foot and Leg Specialists PC Private Practice 2004-current

- Fellow American College of Foot and Ankle Orthopedics and Primary Podiatric Medicine 7/2004
- American Board of Podiatric Orthopedics and Primary Podiatric Medicine- Board Certified 7/2004
- Fellow American College of Foot and Ankle Surgeons 06/2007
- Diplomate American Board of Podiatric Surgery- Board Certified 06/2007

Active staff

- Wellstar Kennestone Hospital
- Wellstar Paulding Hospital (courtesy)
- Marietta Surgical Center

Emergency Room Call Panel

- Wellstar Paulding Hospital

CONTINUING MEDICAL EDUCATION

- Current Basic Cardiac Life Support Trained
- Current Advanced Cardiac Life Support Trained
- New Mexico Podiatric Medical Association Winter Seminar 2/2000 (25 CME)
- National Institutes of Health: Completion Human Participants Protection Education for Research Teams 3/2001
- Rhode Island Spring Scientific Conference 4/2001 (25 CME)
- Podiatry Institute Newport, RI Scientific Conference 5/2001 (25 CME)
- Orange County Podiatric Medical Association Fall Seminar 10/2001 (10 CME)
- Orange County Podiatric Medical Association Winter Seminar 2/2002 (10 CME)
- Podiatry Institute San Diego, CA Scientific Conference 3/2002 (25 CME)
- Mission Hospital St. Joseph Health System Vascular Diagnosis and Intervention Symposium 4/2002 (25 CME)
- Northlake Regional Medical Center Patient Confidentiality Seminar
- AO/ASIF Advanced Internal Fixation/ External Fixation/ and Trauma Course 10/2002 (25 CME)
- University of Texas Health Sciences Center Diabetic Foot Update 12/2002 (25 CME)
- Georgia Podiatric Medical Association Winter Scientific Meeting 2/2003 (25 CME)
- Podiatry Institute Update Atlanta, GA 03/2003
- Wellstar Health System: Selected Issues in Wound Care 4/2003 (5 CME)
- Georgia Podiatric Medical Association Summer Meeting 6/2003 (5 CME)
- Podiatry Institute/ Smith-Nephew/ Orthofix External Fixation/ Trauma and Reconstructive Foot and Ankle Surgery Course 8/2003 (25 CME)
- Podiatry Institute Update Atlanta, GA 03/2004
- Georgia Podiatric Medical Association Winter Scientific Meeting 1/2005 (25 CME)
- Podiatry Institute Update Atlanta, GA 03/2005
- Smith-Nephew Charcot and Trauma and Reconstructive Foot and Ankle Surgery Course 12/2005
- Georgia Podiatric Medical Association Winter Scientific Meeting 2/2006 (25 CME)
- Podiatry Institute Update Atlanta, GA 03/2006 (25 CME)
- ACFAS Battle of the Pods 07/23/2006 (4CME)
- Podiatry Institute Update Atlanta, GA 03/2007 (25 CME)
- American College of Foot and Ankle Surgeons Annual Scientific Conference Orlando, FL 03/2007 (25 CME)
- Podiatry Institute Update Atlanta, GA 03/2008 (28 CME)
- Georgia Podiatric Medical Association Winter Scientific Meeting 2/2008 (25 CME)
- Podiatry Institute Update Atlanta, GA 03/2008 (28 CME)
- Georgia Podiatric Medical Association Winter Scientific Meeting 2/2009 (25 CME)
- American College of Foot and Ankle Surgeons Annual Scientific Conference Washington DC 03/2009 (25 CME)

VOLUNTEER WORK (only private practice included)

- Greystone Power Community Fair: Fall 2002, Spring 2003, Fall 2003
- Greystone Power Employee Fair: Fall 2002, Spring 2003, Fall 2003
- Georgia Power Employee Health Fair: Summer 2003
- South Cobb High School Magnet Program: Academy of Mathematics and Medical Sciences: Fall 2003

General Civil Case Filing Information Form (Non-Domestic)

Court
 Superior
 State

County DeKalb
Docket # 16A58995E4

Date Filed 03-10-2016
 MM-DD-YYYY

Plaintiff(s)

THOMAS, ARLENE

 Last First Middle I. Suffix Prefix Maiden

 Last First Middle I. Suffix Prefix Maiden

 Last First Middle I. Suffix Prefix Maiden

 Last First Middle I. Suffix Prefix Maiden

Defendant(s)

MONDAY LAWANNA K. D.P.M.

 Last First Middle I. Suffix Prefix Maiden

VILLAGE PODIATRY CENTERS

 Last First Middle I. Suffix Prefix Maiden

JOSHI AJAY K. M.D.

 Last First Middle I. Suffix Prefix Maiden

DEKALB MEDICAL CENTER

 Last First Middle I. Suffix Prefix Maiden

No. of Plaintiffs 1

No. of Defendants 4

Plaintiff/Petitioner's Attorney Pro Se

HOFFLER TRICIA P.

 Last First Middle I. Suffix

Bar # 666951

Check Primary Type (Check only ONE)

- Contract/Account
- Wills/Estate
- Real Property
- Dispossessory/Distress
- Personal Property
- Equity
- Habeas Corpus
- Appeals, Reviews
- Post Judgement Garnishment, Attachment, or Other Relief
- Non-Domestic Contempt
- Tort (If tort, fill in right column)
- Other General Civil Specify _____

**If Tort is Case Type:
 (Check no more than TWO)**

- Auto Accident
- Premises Liability
- Medical Malpractice
- Other Professional Negligence
- Product Liability
- Other Specify _____

Are Punitive Damages Pleaded? Yes No

I hereby certify that the documents in this filing (including attachments and exhibits) satisfy the requirements for redaction of personal or confidential information in O.C.G.A. 9-11-7.1