

IN THE CIRCUIT COURT OF BOLIVAR COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

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**DEDRA PETERSON, as Surviving Daughter  
and Administratrix of the Estate of VELTHA  
LEE PETERSON, Deceased, and on Behalf of  
all Wrongful Death Beneficiaries,**

**Plaintiff,**

vs.

**PHC-CLEVELAND, INC. d/b/a BOLIVAR  
MEDICAL CENTER, BLAKE SURGICAL  
ASSOCIATION, PLLC, and ROGER  
BLAKE, M.D.,**

**Defendants.**

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**PLAINTIFF'S FIRST AMENDED COMPLAINT FOR MEDICAL MALPRACTICE,  
PERSONAL INJURIES, LOSS OF CONSORTIUM, AND WRONGFUL DEATH**

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COMES NOW Plaintiff Dedra Peterson ("Plaintiff"), as Surviving Daughter and Administratrix of the Estate of Veltha Lee Peterson, Deceased, and on Behalf of all Wrongful Death Beneficiaries, and files this First Amended Complaint against Defendants PHC-CLEVELAND, INC. d/b/a Bolivar Medical Center, Blake Surgical Association, PLLC, and Roger Blake, M.D. for medical malpractice, personal injuries, loss of consortium, and wrongful death. For cause of action, Plaintiff would state to the Court as follows:

**JURISDICTION AND PARTIES**

1. Veltha Lee Peterson ("decedent or Ms. Peterson") was, at all relevant times, an adult resident of Mississippi. She died on or about July 1, 2017.
2. Plaintiff Dedra Peterson ("Plaintiff") is an adult resident citizen of Bolivar County, Mississippi. She is the surviving daughter of Veltha Lee Peterson.

**FILED**

AUG 21 2019

BOLIVAR COUNTY, MISSISSIPPI  
MARILYN L. HEALY, CLERK

BY \_\_\_\_\_ D.C.

Docket No. 2019-0056  
JURY DEMANDED

3. The Estate of Veltha Lee Peterson has been opened in the Chancery Court of the Second Judiciary District of Bolivar County, Mississippi. Plaintiff was appointed Administratrix of the Estate of Veltha Lee Peterson, on May 14, 2019. *See* Exhibit 1. Plaintiff brings suit as Administratrix of the Estate of Veltha Lee Peterson, Deceased, and on behalf of all wrongful death beneficiaries, including herself, Marilyn Peterson, and Jermaine Peterson. In said capacity, Plaintiff is entitled to recover for the personal injuries and damages suffered by the decedent, Veltha Lee Peterson, prior to her death, *see* Miss. Code Ann. § 91-7-233, as well as any and all wrongful death damages. *See* Miss. Code Ann. § 11-7-13. Plaintiff brings this cause in two counts, one on behalf of the Estate of Veltha Lee Peterson, Deceased, and the second count for the damages recoverable by the wrongful death beneficiaries, including herself, Marilyn Peterson, and Jermaine Peterson.

4. Defendant PHC-CLEVELAND, INC. d/b/a Bolivar Medical Center (“Bolivar Medical Center”) is a Mississippi corporation. At all times pertinent, it owned, operated, oversaw, administered, and managed the hospital located at 901 East Sunflower Road, Cleveland, Mississippi 38732. At all times relevant herein, Bolivar Medical Center was conducting and doing business in Bolivar County, Mississippi, where patients, such as Ms. Peterson, were treated. Bolivar Medical Center may be served with process through its registered agent, CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

5. Bolivar Medical Center has agents, nurses, staff, physicians and/or employees that act for and on its behalf. While caring for and treating Ms. Peterson, the medical negligence of said agents, nurses, aides, orderlies, staff, physicians and/or employees, including, without limitation, Dr. Roger Blake, was in connection with their work duties and they were acting

within the course and scope of their employment and/or agency. Bolivar Medical Center is thus legally responsible and vicariously liable for the medical negligence of said persons pursuant to the doctrine of *respondeat superior* and express, implied and/or apparent agency principles.

6. Defendant Roger Blake, M.D. (“Dr. Blake”) is a physician licensed to practice in the State of Mississippi. He may be served with process at his business address, 907 East Sunflower Road, Suite 101, Cleveland, Mississippi 38732.

7. Defendant Blake Surgical Association, PLLC (“Blake Surgical”) is a Mississippi limited liability company. At all times relevant herein, Blake Surgical was conducting and doing business in Bolivar County, Mississippi, where patients, such as Ms. Peterson, were treated and cared for. Blake Surgical may be served with process through its registered agent, Roger A.C. Blake, 907 East Sunflower Road, Suite 101, Cleveland, Mississippi 38732.

8. Blake Surgical has agents, nurses, staff, physicians and/or employees, including Dr. Roger Blake, that act for and on its behalf. While caring for and treating Ms. Peterson, the medical negligence of said agents, nurses, staff, physicians and/or employees was in connection with their work duties and they were acting within the course and scope of their employment and/or agency. Blake Surgical is thus legally responsible and vicariously liable for the medical negligence of said persons, including Dr. Blake, pursuant to the doctrine of *respondeat superior* and express, implied and/or apparent agency principles.

9. Venue and jurisdiction are proper in this action in that Plaintiff’s claims arise out of the negligent acts and/or omissions of Defendants and their agents and employees, all of which occurred in Bolivar County, Mississippi.

10. Plaintiff has complied with all conditions precedent and exhausted all administrative remedies necessary to maintain this action, including those set forth in Miss. Code

Ann. §15-1-36(15).

11. The provisions of Miss. Code Ann. § 15-1-36(15) have been complied with by virtue of the mailing, on May 24, 2019, of written notice of claim to Bolivar Medical Center, which notified it of the intention to file the instant lawsuit on behalf of the Estate of Veltha Lee Peterson, Deceased, and any and all wrongful death beneficiaries. *See* Exhibit 1.

12. Bolivar Medical Center was provided with proper written notice at least sixty (60) days prior to the filing of the instant lawsuit. This suit is timely filed pursuant to applicable Mississippi law.

13. The provisions of Miss. Code Ann. § 15-1-36(15) have been complied with by virtue of the mailing, on May 24, 2019, of written notice of claim to Dr. Blake, which notified him of the intention to file the instant lawsuit on behalf of the Estate of Veltha Lee Peterson, Deceased, and any and all wrongful death beneficiaries. *See* Exhibit 2.

14. Dr. Blake was provided with proper written notice at least sixty (60) days prior to the filing of the instant lawsuit. This suit is timely filed pursuant to applicable Mississippi law.

15. The provisions of Miss. Code Ann. § 15-1-36(15) have been complied with by virtue of the mailing, on May 24, 2019, of written notice of claim to Blake Surgical, which notified it of the intention to file the instant lawsuit on behalf of the Estate of Veltha Lee Peterson, Deceased, and any and all wrongful death beneficiaries. *See* Exhibit 3.

16. Blake Surgical was provided with proper written notice at least sixty (60) days prior to the filing of the instant lawsuit. This suit is timely filed pursuant to applicable Mississippi law.

#### **FACTUAL ALLEGATIONS**

17. Ms. Peterson presented to the emergency department at Bolivar Medical Center

on June 28, 2017 with complaints of lower abdominal pain. Ms. Peterson was subsequently diagnosed with acute appendicitis. She was taken to the operating room urgently later that evening for a planned laparoscopic appendectomy to be performed by Dr. Blake.

18. Dr. Blake opted to convert Ms. Peterson's procedure from laparoscopic to open after noting dense intraabdominal adhesions and a 5 mm colostomy. Dr. Blake's operative report reflects that the colostomy was elevated and the wound was sharply debrided and closed in 2 layers with 3-0 Vicryl in a continuous fashion and a 3-0 silk in a Lembert fashion. All spill was noted to be contained. Ms. Peterson's appendix was removed.

19. Ms. Peterson developed hypotension postoperatively. She was noted to be floridly septic. She developed renal failure secondary to sepsis and hypotension.

20. Dr. Blake examined Ms. Peterson on June 29, 2017 and recommended that she be moved to the Intensive Care Unit, bolused with IV fluids, and started on dopamine and broadened antibiotic coverage. Dr. Blake noted that "we will have a low index of suspicion to re-explore for intra-abdominal infection or leak".

21. Ms. Peterson continued to decline, progressing into shock with hypotension that was unresponsive to vasopressors.

22. Dr. Blake failed to properly repair the colostomy, leading to continued exposure of stool at the defect. Dr. Blake further failed to recognize the source of Ms. Peterson's infection and failed to treat her appropriately for her condition.

23. The decedent was transferred to Saint Francis Hospital in Memphis, Tennessee for a higher level of care on June 29, 2017 at 5:22 p.m.

24. Upon admission to Saint Francis, Ms. Peterson was diagnosed with septic shock likely related to abdominal infection.

25. On June 30, 2017, Ms. Peterson was taken for an exploratory laparotomy by Dr. Ben Gibson. Dr. Gibson noted that “Patient had a small round full thickness defect found in the mid-transverse colon with exposed stool at the defect and diffuse peritonitis. The appendiceal staple line was intact. There were no other defects identified. Specifically the site of the primary two layer closure as documented in her prior operative report was not identified. In any event no other areas of spillage were found, and throughout the procedure no additional areas of stool or intraluminal contents were identified.”

26. Ms. Peterson continued to decline post-surgery and ultimately died on July 1, 2017 as a result of Defendants’ medical negligence, as hereinafter described.

#### **MEDICAL NEGLIGENCE**

27. As a physician licensed to practice medicine in Mississippi, Dr. Blake owed a duty to Ms. Peterson to act as a reasonably prudent physician would have acted under the same or similar circumstances. Dr. Blake, however, failed to act with ordinary and reasonable care, and further deviated from the recognized standard of acceptable professional practice for physicians in Bolivar County, Mississippi and similar communities when he neglected to properly and adequately diagnose, assess, monitor, and care for his patient, Ms. Peterson.

28. Dr. Blake’s deviations from the appropriate standard of care include, but are not limited to, the following:

- a. failing to exercise the proper and required medical judgment in the care and treatment of Ms. Peterson;
- b. failing to exercise ordinary and reasonable care under the circumstances;
- c. causing a perforation of decedent’s small bowel during the June 28, 2017 procedure and failing to repair the perforation and/or failing to repair a pre-existing perforation;
- d. failing to timely recognize the perforation had not been resolved during the June

28, 2017 procedure;

- e. failing to properly treat the perforation and allowing the decedent's condition to deteriorate;
- f. failing to repair the colostomy identified during the surgical procedure on June 28, 2017;
- g. failing to diligently ensure that the decedent was continuously monitored and treated in a proper manner to ensure that she did not develop an infection, sepsis, or other dangerous and life-threatening conditions;
- h. failing to understand and comprehend in a timely manner the significance of decedent's symptoms following the June 28, 2017 procedure;
- i. failing to timely and appropriately monitor Ms. Peterson given her compromised condition;
- j. failing to timely and appropriately respond to Ms. Peterson's changes in status;
- k. failing to timely and appropriate intervene in Ms. Peterson's care;
- l. failing to recognize the dangerous consequences of Ms. Peterson's deteriorating condition;
- m. failing to order and/or arrange for Ms. Peterson to be transported to a hospital sooner given her compromised condition;
- n. failing to provide Ms. Peterson with basic and necessary care and supervision; and
- o. such other negligent acts and omissions as may be shown at trial.

That each of the aforesaid acts of medical negligence directly and proximately caused damages and loss, and ultimately the wrongful death of the decedent.

29. Dr. Blake was an employee, owner, partner, agent and/or member of Defendants Bolivar Medical Center and Blake Surgical at all times material. Under the doctrines of agency and pursuant to *respondeat superior* principles, Defendants Bolivar Medical Center and Blake Surgical are legally responsible and vicariously liable for the medical negligence of Dr. Blake.

He is also individually liable for his own direct medical negligence.

**DAMAGES**

30. Plaintiff is entitled under the Mississippi wrongful death statute, Miss. Code Ann. § 11-7-13, to bring these claims against Defendant, and to recover any and all damages for the decedent's wrongful death as provided for therein.

31. As a direct and proximate result of the medical negligence, malpractice, wrongful acts and/or omissions of Defendants, the decedent suffered, without limitation, physical and mental pain and suffering, mental pain and suffering, bruising, disfigurement, severe emotional distress, medical and other expenses (including those relating to her final illness), and ultimately the loss of her life.

32. As a direct and proximate result of the medical negligence, malpractice, wrongful acts and/or omissions of Defendants, the decedent's wrongful death beneficiaries lost the love, affection, society, comfort, and companionship of the decedent, their mother, for which claim is made herein.

33. Defendants are liable to Plaintiff for all the compensatory damages which she is entitled to recover, on behalf of the decedent, the decedent's estate, and all wrongful death beneficiaries (including herself). *See* Miss. Code Ann. §§ 11-7-13, 91-7-233. Said compensable damages include, without limitation, (a) the decedent's mental and physical pain, anguish, and suffering prior to her death; (b) medical expenses (including those pertaining to the decedent's final illness); (c) funeral and burial expenses; (d) mental anguish suffered, and to be suffered in the future, by the wrongful death beneficiaries; (e) loss of love, affection, companionship, comfort, and society; (f) all other pecuniary injuries; and (g) any other damages recoverable under applicable Mississippi law.

34. Plaintiff specifically reserves the right to amend this Complaint and plead further in this cause as additional facts and circumstances may warrant.

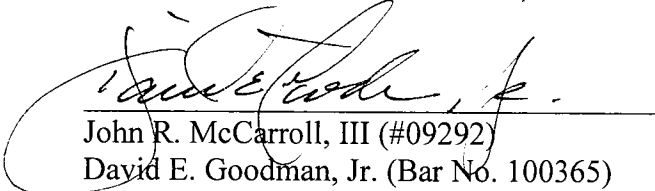
**PRAYER FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment, pursuant to Miss. Code Ann. § 11-1-59, from Defendants in an amount within the jurisdictional limits of this Court and in excess of the sum of \$10,000.00, such amount to include, but not be limited to, compensatory damages, prejudgment interest, and the costs of the Court.

**Plaintiff demands a jury trial as to all issues in this cause.**

Respectfully Submitted,

BURCH, PORTER & JOHNSON, PLLC

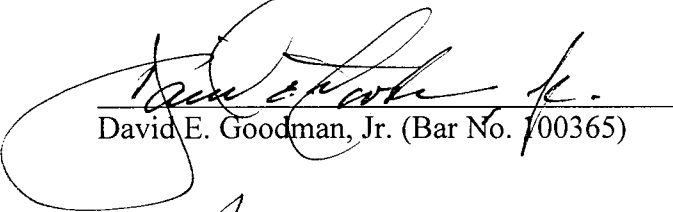


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Attorneys for Plaintiff

**CERTIFICATE OF CONSULTATION**

Pursuant to Miss. Code Ann. § 11-1-58(1), I do hereby certify that I have reviewed the facts of this case and consulted with at least one (1) expert qualified pursuant to the Mississippi Rules of Civil Procedure and the Mississippi Rules of Evidence who is qualified to give expert testimony as to standard of care or negligence and who I reasonably believe is knowledgeable in the relevant issues involved in this particular action, and I have concluded, on the basis of such review and consultation, that there is a reasonable basis for the commencement of this action.

  
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David E. Goodman, Jr. (Bar No. 700365)

Date: August 20, 2019