

IN THE CIRCUIT COURT OF _____ COUNTY, _____

PLAINTIFF

V.

NAME OF DEFENDANTS

NO. _____

AMENDED COMPLAINT

COMES NOW Plaintiff, _____, through counsel, and files this, her Amended Complaint against the Defendants, _____ and _____ to-wit:

1. Plaintiff is an adult resident citizen of _____ County, _____.

2. Defendant, _____, is a hospital organized and existing under the laws of the State of _____ through its physicians, staff, agents, servants, employees and representatives, who may be served with the process of this court by serving its Administrator, _____ at _____.

Defendant, _____, is an adult resident citizen of the _____ Judicial District of _____ County, _____, who may be served with the process of this Court at her place of employment, _____ at _____.

Defendant, _____, is liable and responsible for all of the actions, omissions and negligence of its agents, servants, representatives and employees. Defendant, _____, is a hospital catering to the general public and particularly the Plaintiff offering general medical treatment, room and board, laboratory and technical services together with surgery, emergency room facilities and outpatient treatment.

3. That on or about _____, Plaintiff sought treatment at the emergency room of Defendant, _____, complaining of an injury to her left foot; that an x-ray was taken of Plaintiff's left foot and improperly read by Defendant, _____, and the agents of Defendant, _____, causing Plaintiff to sustain irreparable injury to her foot and causing her to sustain personal injuries. That by failing to properly diagnose Plaintiff's fracture, Defendants violated the acceptable standard of care which was the proximate cause of Plaintiff's injuries.

4. That at all times mentioned herein, the Defendant, _____, including emergency room physicians, nurses, aides, technicians and others assisting were the agents, servants and employees acting within the scope of their employment of the Defendant. That through their obvious misdiagnosis, negligence and/or neglect, proximately caused or contributed to Defendant's injury becoming more severe and sustaining unnecessary injuries and damages.

That as a result of the negligence of the employees/agents of Defendant, _____, and specifically _____, M.D., and her failure to provide appropriate treatment, care and diagnosis and her breach of the applicable standard of care and other contemporaneous acts, the Plaintiff was substantially damaged.

5. Plaintiff would further assert that Defendants failed to follow medically accepted procedures to lessen Plaintiff's injuries.

6. Plaintiff would state unto the Court that the Defendants grossly and negligently failed to properly diagnose, observe, treat, and/or administer proper medical care to Plaintiff which was the proximate cause of Plaintiff's injuries.

7. Plaintiff would further show that the Defendants are liable and responsible on the basis of res ipsa loquitur and for breach of contract.

8. Plaintiff would show unto the Court that as a direct and proximate result of the negligent actions of Defendants, Plaintiff was caused to endure physical pain and discomfort, mental anguish, needless surgery, permanent disability and was otherwise damaged.

9. That as a direct and proximate consequence of the Defendants' actions, inactions and negligence, Plaintiff alleges that the following damages are recoverable of, from and against the Defendants' as follows, to-wit:

- A. All medical and hospital expenses incurred as a result of the Defendants' negligence;
- B. Pain and suffering;
- C. Mental and emotional distress;
- D. Loss of Wages;

WHEREFORE, PREMISES CONSIDERED, Plaintiff, _____, brings this action against the Defendants, _____ and _____, jointly and severally, and demands judgment of, from and against the Defendants in an amount in excess of \$_____, together with all costs herein.

This, the ____ day of _____, A.D., 20____.

Respectfully submitted,

PLAINTIFF DEMANDS TRIAL BY JURY