

IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO

The Estate of Emily Reardon,
through its Administrator
James P. Reardon
1780 Fishinger Road
Columbus, Ohio 43221,

Plaintiff,

v.

OhioHealth Corporation
dba Riverside Methodist Hospital
c/o Terri W. Meldrum, Esq.
3430 OhioHealth Parkway, 5th Floor
Columbus, Ohio 43202

and

Carlynn Alison Fulp, M.D.
c/o Mid-Ohio Emergency Services, LLC
3525 Olentangy River Road
Suite 5320
Columbus, Ohio 43214

and

Mid-Ohio Emergency Services, LLC
3525 Olentangy River Road
Suite 5320
Columbus, Ohio 43214

and

David Nelson Willman, CNP
OhioHealth Corporation
dba Riverside Methodist Hospital
3535 Riverside Drive
Columbus, Ohio 43214

and

Jacquelyn Michela Murrer, PA-C
OhioHealth Corporation
dba Riverside Methodist Hospital
3535 Riverside Drive
Columbus, Ohio 43214

Case No.

Judge

JURY DEMAND
ENDORSED HEREON

and :
:
John and Jane Doe Physicians :
and Nursing Staff, :
:
Defendants. :

COMPLAINT

For the Estate’s Complaint, plaintiff alleges as follows:

NATURE OF THE ACTION

1. This is a medical negligence case arising out of defendants’ failure to properly diagnose and treat 19-year-old Emily Reardon who passed away on May 28, 2020 at 4:23 a.m. Defendants’ behavior as detailed herein was nothing short of reckless and is the direct and proximate cause of Emily’s extraordinary conscious pain and suffering and her eventual death. Had she been properly treated by the physicians and staff at RMH, this 19-year-old otherwise healthy girl would be alive today. Emily is survived by her mother and father, James and Sue Reardon, her two brothers Ian and Colin Reardon, and sisters Erin Reardon and Shannon Swanick.

THE PARTIES, JURISDICTION, AND VENUE

2. Emily Reardon lived with her parents in Franklin County, Ohio, and her Estate was opened in the Common Pleas Court of Franklin County, Ohio, Probate Division.

3. Defendant, OhioHealth Corporation, doing business as Riverside Methodist Hospital (“RMH”), operates an Emergency Department and hospital located in Franklin County, Ohio. At all times relevant to this action, RMH provided treatment to patients through its physicians and nursing staff and represented to the public and to plaintiff that it possessed the degree of skill, knowledge, and ability ordinarily possessed by a reasonably competent medical facility providing medical services. The negligence and/or reckless misconduct of RMH and its

physicians, nurses and agents is a direct and proximate cause of Emily Reardon's premature death.

4. Defendant, Carlynn Alison Fulp, M.D., is a physician licensed by the State of Ohio. Fulp was the Attending and Admitting Provider for Emily Reardon's Emergency Department visit on May 25, 2020. Dr. Fulp's negligent and/or reckless misconduct is a direct and proximate cause of Emily Reardon's premature death.

5. Defendant David Nelson Willman, CNP, is a Nurse Practitioner licensed by the State of Ohio. Willman was employed by RMH and was heavily involved in Emily Reardon's treatment and care on May 25, 2020. Willman's negligent and/or reckless misconduct is a direct and proximate cause of Emily Reardon's premature death.

6. Defendant Jacquelyn Michela Murrer, PA-C, is a Physician's Assistant licensed by the State of Ohio. Murrer was employed by RMH and was heavily involved in Emily Reardon's treatment and care on May 27 and May 28, 2020. Murrer's negligent and/or reckless misconduct is a direct and proximate cause of Emily Reardon's premature death.

7. Defendant, Mid-Ohio Emergency Services, LLC, is defendant Carlynn Fulp, M.D.'s private practice group. Defendant Mid-Ohio conducts business in Franklin County, Ohio.

8. The true names and capacities of John and Jane Doe Physicians and Nursing Staff are unknown to Plaintiff at this time, and Plaintiff has accordingly sued these unknown Defendants under fictitious names. When the true names of John and Jane Doe Physicians and Nursing Staff have been ascertained, Plaintiff will seek leave to amend its Complaint accordingly. Plaintiff is informed and believes that John and Jane Doe Physicians and Nursing Staff are legally responsible for the events and occurrences described herein, and that their actions could be a proximate cause of Emily Reardon's premature death.

9. Jurisdiction and venue are proper in this Court because defendants practiced medicine and/or have their principal places of business in Franklin County; defendants committed acts causing tortious injury to plaintiff in Franklin County; and/or because all or part of the claims arose in Franklin County.

10. Pursuant to Ohio Rule of Civil Procedure 10(D)(2)(b), Plaintiff will file a motion seeking to extend the time for filing affidavit(s) of merit.

FACTS COMMON TO ALL CLAIMS

11. Emily Reardon was the 19-year-old daughter of Jim and Sue Reardon. Emily had two older brothers, an older sister, and a younger sister. Emily was a competitive swimmer and a graduate of the Upper Arlington High School. She had a smile that lit up a room and was adored by everyone who met her. At the time of her death, Emily was enrolled at and pursuing her post high school education at Columbus State Community College.

12. Emily began to feel ill on or about May 23, 2020.

13. On May 24, 2020, Emily had a telemedicine visit with a family physician to address her fever, cough, and chest discomfort. Emily was healthy, athletic, had no underlying medical conditions, was not immuno-compromised and had not travelled since March 2020.

14. On May 25, 2020, her condition worsened to the point that her parents thought it would be best to have her evaluated in an Emergency Room setting. After several days of not feeling well, Emily was getting progressively worse, not better.

15. Emily Reardon arrived at the RMH Emergency Department at 12:44 p.m. on May 25, 2020. She was in the Riverside ED for approximately six hours and during that time she was tachycardic, had resting heart rates of well over 100 and at one point 128, a white blood cell count of more than 21,000, severe respiratory distress, shortness of breath, concerning blood pressures and low pulse oximetry readings.

16. Emily Reardon was tested three times for COVID-19 and all three tests were negative. She was also given a chest CT which showed “interstitial airspace opacities throughout both lung fields” and Dr. Fulp diagnosed her with viral pneumonia with significant leukocytosis with a left shift and possible superimposed bacterial pneumonia. Despite being in clear and dangerous respiratory distress with a chest CT that was extremely concerning, defendants discharged Emily to home with prescriptions for an antibiotic and acetaminophen.

17. Despite exhibiting clear signs of severe sepsis and impending respiratory failure placing her at great risk of rapid deterioration and multi-system failure, defendants discharged plaintiff to home instead of admitting her to treat and monitor her serious health condition.

18. Emily returned to her parents’ home the evening of May 25, 2020 after being discharged from the RMH ED. Rather than improve, Emily’s condition deteriorated on May 26th and May 27th. On the evening of May 27th, Emily’s parents took her to a local urgent care. The physician who examined her and reviewed the May 25th chest CT taken at RMH told Emily’s parents she never should have been discharged from Riverside on May 25th and immediately ordered her transported by emergency squad back to RMH STAT.

19. Emily Reardon arrived in the Riverside ED shortly after 9:00 p.m. on May 27th. Upon arrival, Emily presented with shortness of breath, in severe respiratory distress, a heart rate of 122 and was hypoxic with a pulse oximetry reading of 70 which is dangerously low and life threatening.

20. Rather than immediately intubating Emily and putting her on a ventilator to attempt to reverse her life-threatening respiratory condition, RMH conducted additional diagnostic testing. Critically important treatment and interventions were repeatedly delayed in some cases for hours further compromising Emily’s rapidly declining condition.

21. Emily Reardon tragically and unnecessarily passed away at 4:23 a.m. on May 28, 2020, less than eight hours after her return to Riverside ED. Emily's Death Certificate states the cause of death as Acute Respiratory Failure with Hypoxia secondary to Acute Respiratory Distress Syndrome. Emily Reardon had Acute Respiratory Distress Syndrome when she was evaluated at RMH on May 25, 2020 and discharged to home.

COUNT ONE – PROFESSIONAL NEGLIGENCE

22. Plaintiff repeats and realleges the foregoing allegations as if fully restated herein.

23. Defendants owed plaintiff a duty to provide medical care before, during, and after plaintiff's treatment, according to the accepted medical standard of care exercised by members of the same medical specialty in similar situations.

24. Defendants violated the standard of care and treated plaintiff in a negligent and/or reckless manner. Defendants' unlawful conduct includes but is not limited to: failing to adhere to accepted medical care in treating plaintiff in the RMH ED; failing to properly and timely diagnose and treat plaintiff's symptoms; failing to order important treatment; delay in ordering vital interventions; failing to adequately monitor plaintiff's serious and rapidly declining medical condition and by inadequately and/or improperly discharging plaintiff in a distressed medical condition where important treatment and monitoring were clearly required and/or providing important outpatient instructions crucial to monitoring and preventing plaintiff's life threatening medical condition from deteriorating further.

25. As a direct and proximate cause of defendants' breach of their duties and the conduct described above, plaintiff suffered extraordinary conscious pain and suffering and ultimately a wrongful death. Plaintiff's damages far exceed \$25,000.

COUNT TWO – RESPONDEAT SUPERIOR

26. Plaintiff repeats and realleges the foregoing allegations as if fully restated herein.

27. Defendants RMH and Mid-Ohio Emergency Physicians are liable for the negligent acts of Dr. Fulp and other physicians, nurses and/or staff who were employees and/or agents of the foregoing defendant under the doctrine of respondeat superior.

28. As a direct and proximate cause of defendants' breach of their duties and the conduct described above, plaintiff suffered extraordinary conscious pain and suffering, and ultimately a wrongful death. Plaintiff's damages far exceed \$25,000.

WHEREFORE, plaintiff respectfully demands judgment in its favor and against the defendants for compensatory damages in excess of \$25,000, punitive damages for defendants' reckless conduct, their costs and attorney fees, and for all other relief this Court deems proper.

Respectfully submitted,

/s/ Rex H. Elliott
Rex H. Elliott (0054054)
Charles H. Cooper, Jr. (0037295)
Sean R. Alto (0087713)
Cooper & Elliott, LLC
2175 Riverside Drive
Columbus, Ohio 43221
(614) 481-6000
(614) 481-6001 (Facsimile)
rexe@cooperelliott.com
chipec@cooperelliott.com
seana@cooperelliott.com

Attorneys for Plaintiff
The Estate of Emily Reardon

JURY DEMAND

Plaintiff demands a trial by jury by the maximum number of jurors allowed by law on all issues so triable.

/s/ Rex H. Elliott