

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

JATINDER BHIMBRA as
Administrator of the Estate, of
HARVINDER KAUR, deceased,
and

SUDARSHAN SINGH,

Plaintiffs,

— *versus* —

MICHAEL A. ERRICO, DO

SOUTHEAST LUNG &
CRITICAL CARE
SPECIALISTS, P.C.

SAINT JOSEPH'S HOSPITAL,
INC.

JOHN/JANE DOE 1-4,

DEFENDANTS

CIVIL ACTION

FILE NO. STCV 20-00310

JURY TRIAL DEMANDED

Hon. Gregory V. Sapp

PLAINTIFFS' SECOND AMENDED COMPLAINT FOR DAMAGES

1. This medical malpractice action arises out of medical services negligently performed on Harvinder Kaur on April 24, 2018.

2. This amended complaint substitutes Saint Joseph’s Hospital, Inc. in place of St. Joseph’s/Candler Health System, Inc., based upon the representations of counsel for the latter.¹

3. This complaint incorporates, in their entirety, the allegations of Plaintiff’s original Complaint for Damages and Plaintiff’s First Amended Complaint for Damages — except as to the substitution noted above.

4. This complaint asserts the same claims against Saint Joseph’s Hospital, Inc. as were previously asserted against St. Joseph’s/Candler Health System, Inc.

5. Defendant Saint Joseph’s Hospital, Inc. (“SJH”) is a corporation with its Registered Office in Chatham County. SJH may be served through their Registered Agent, Melissa Alvarez, at 5353 Reynolds Street, Savannah, Georgia 31405.

6. SJH is subject to personal jurisdiction in this Court.

7. SJH is subject to the subject-matter jurisdiction of this Court.

8. SJH is subject to venue in this Court.

9. SJH has been properly served with this Second Amended Complaint.

10. On September 21, 2020, counsel for St. Joseph’s/Candler Health System, Inc. (“CHS”) informed Plaintiffs’ counsel that “we feel that Saint Joseph’s Hospital, Inc. is the proper party as opposed to St. Joe’s/Candler.”

¹ See *Smith v. Vencare*, 238 Ga App 621 (1999) (“When there is a substitution by amendment of a ‘John Doe’ or ‘Jane Doe’ named in the original complaint for the real

11. OCGA 9-11-15(c) provides that “Whenever the claim or defense asserted in the amended pleading arises out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading.”

12. The claims asserted herein against SJH arise out of the conduct, transaction, or occurrence set forth or attempted to be set forth in Plaintiff’s First Amended Complaint. Indeed, they are identical except as to the substitution of parties.

13. OCGA 9-11-15(c) further provides that “An amendment changing the party against whom a claim is asserted relates back to the date of the original pleadings if the foregoing provisions are satisfied, and if within the period provided by law for commencing the action against him the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him.”

14. When CHS was served with Plaintiff’s First Amended Complaint, SJH received such notice of the institution of the action that they will not be prejudiced in maintaining their defense on the merits, and SJH knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against them.

15. SJH and CHS are corporate affiliates.

16. Identical individuals act as corporate officers of both SJH and CHS.
17. Gregory J. Schaack serves as the CFO of both SJH and CHS.
18. Lenny Panzitta serves as the Secretary of both SJH and CHS.
19. Paul P. Hinchey serves as the CEO of both SJH and CHS.
20. In their Annual Registrations filed with the Georgia Secretary of State, both SJH and CHS list the same Principal Office Address, namely: “5353 Reynolds St Attn Legal, Savannah, GA, 31405.”
21. SJH and CHS share the same Registered Agent in the same Registered Office, namely: Melissa Alvarez, at 5353 Reynolds Street, Savannah, Georgia 31405.
22. SJH and CHS, possibly in conjunction with other corporate affiliates, jointly advertise the hospital at which Harvinder Kaur was treated as part of the “St. Joseph’s/Candler Health System.”
23. Their website identifies that hospital first in a list of “Hospitals in the St. Joseph’s/Candler Healthcare System.”²
24. The medical records for that hospital bear the heading “St. Joseph’s/Candler Health System.”
25. When CHS was served with Plaintiff’s First Amended Complaint, individuals who act as agents of both SJH and CHS received notice of this lawsuit.
26. When CHS was served with Plaintiff’s First Amended Complaint, individuals who act as agents of both SJH and CHS learned that Plaintiffs intended

² <https://www.sjchs.org/home/locations/hospitals-and-facilities/hospitals>.

to sue the employer of the nurses and other hospital staff involved in the treatment of Harvinder Kaur.

27. Accordingly, Plaintiffs assert against SJH the claims previously asserted against CHS, based on the same allegations made in Plaintiff's original Complaint for Damages and First Amended Complaint for Damages.

28. SJH has no defense to this lawsuit based on the statute of limitations, laches, or any other defense arising from undue delay in bringing suit.

September 22, 2020

Respectfully submitted,

/s/ Lloyd N. Bell

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ST. JOSEPH’S HOSPITAL, INC.)	
JOHN/JANE DOE 1-4,)	
DEFENDANTS)	
)	

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the within and foregoing **Plaintiffs’ Second Amended Complaint for Damages** upon all parties and counsel of record to this proceeding by electronically filing the same with the Clerk of Court using Odyssey eFileGA which will send electronic notification to counsel of record as follows:

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September 22, 2020

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