

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**


CLERK OF STATE COURT

JOY BARLOW,

Plaintiff,

vs.

JUSTIN G. FORD, M.D.,
NORTHSIDE ANESTHESIOLOGY
CONSULTANTS, LLC,
THOMAS J. MORRISON, M.D. and
POLARIS SPINE & NEUROSURGERY
CENTER, P.C., f/k/a PEACHTREE
NEUROSURGERY, P.C.

Defendants.

Civil Action No.: **19-C-05233-S3**

COMPLAINT FOR DAMAGES

COMES NOW JOY BARLOW, Plaintiff in the above styled-action, and files this Complaint for Damages, stating her claims against the Defendants, JUSTIN G. FORD, M.D., NORTHSIDE ANESTHESIOLOGY CONSULTANTS, LLC, THOMAS J. MORRISON, M.D. and POLARIS SPINE & NEUROSURGERY CENTER, P.C., f/k/a PEACHTREE NEUROSURGERY, P.C. as follows:

PROCEDURAL STATEMENT

Plaintiff's claims against these Defendants were initially filed, within the applicable statute of limitations, in the State Court of DeKalb County, Georgia, designated as Civil Action No. 16A61806-2. Plaintiff voluntarily dismissed that action without prejudice on April 23, 2019 pursuant to OCGA 9-11-41(a). After satisfaction of

the requirements set forth in O.C.G.A. 9-11-41(d) Plaintiff files this action re-stating her claims against these Defendants pursuant to O.C.G.A. 9-2-61(a).

1.

Joy Barlow is a resident of the State of Georgia and is subject to the jurisdiction and venue of this honorable Court.

2.

Defendant Justin G. Ford, M.D., (hereinafter "Dr. Ford") is a resident of DeKalb County, Georgia and is subject to the jurisdiction and venue of this honorable Court. He resides at 1705 Johnson Road, NE, Atlanta, DeKalb County, Georgia, where he may be served.

3.

Defendant Northside Anesthesiology Consultants, LLC, (hereinafter "NAC") is a limited liability company organized and existing under the laws of the State of Georgia and is subject to the jurisdiction and venue of this honorable Court. Said defendant may be served via its registered agent, Corporation Service Company at 40 Technology Parkway South, Suite 300, Norcross, Georgia.

4.

Defendant Thomas J. Morrison, M.D., (hereinafter "Dr. Morrison") is a resident of Fulton County, Georgia and is subject to the jurisdiction and venue of this honorable Court. He resides at 4710 Northside Drive, Atlanta, Georgia, where he may be served.

5.

Defendant Polaris Spine & Neurosurgery Center, P.C., formerly known as Peachtree Neurosurgery, P.C., (hereinafter "Polaris") is a professional corporation

organized and existing under the laws of the State of Georgia and is subject to the jurisdiction and venue of this honorable Court. Said defendant may be served via its registered agent, Christopher Tomaras, M.D., at 1150E Hammond Drive, Suite 400, Atlanta, Fulton County, Georgia.

6.

At all times relevant hereto Dr. Morrison was a physician engaged in the practice of medicine in the State of Georgia, being duly licensed under the laws of said State.

7.

On April 26, 2015, Dr. Morrison agreed to act as a physician for Ms. Barlow. He therefore entered into a physician-patient relationship with her and consequently had a duty to provide medical care to Ms. Barlow within the applicable standard of care.

8.

Dr. Morrison failed to comply with the applicable standard of care in his treatment of Ms. Barlow.

9.

At all times relevant hereto Dr. Morrison was an agent and employee of Defendant Polaris and was acting within the course and scope of his employment. Defendant Polaris is therefore vicariously liable for his negligence.

10.

At all times relevant hereto Dr. Ford was a physician engaged in the practice of medicine in the State of Georgia, being duly licensed under the laws of said State.

11.

On April 28, 2015, Dr. Ford agreed to act as a physician for Ms. Barlow. He therefore entered into a physician-patient relationship with her and consequently had a duty to provide medical care to Ms. Barlow within the applicable standard of care.

11.

Dr. Ford failed to comply with the applicable standard of care in his treatment of Ms. Barlow.

12.

At all times relevant hereto Dr. Ford was an agent and employee of Defendant NAC and was acting within the course and scope of his employment. Defendant NAC is therefore vicariously liable for his negligence.

13.

As a direct and proximate result of the negligence of these Defendants, Ms. Barlow suffered grievous bodily injury and is entitled to recover from them all damages suffered, including past and future physical and mental pain and suffering, past and future medical expenses, and past and future wage loss, all in an amount in excess of \$10,000.00.

14.

Pursuant to O.C.G.A. 9-11-9.1, the affidavit of Christopher J. Koebbe, M.D., an expert witness who is competent to testify as to the standard of care required of Dr. Morrison, identifying at least one negligent act or omission and the factual basis therefore, is attached hereto as Exhibit A.

15.

Pursuant to O.C.G.A. 9-11-9.1, the affidavit of Kevin Douglas Cairns, M.D., an expert witness who is competent to testify as to the standard of care required of Dr. Ford, identifying at least one negligent act or omission and the factual basis therefore, is attached hereto as Exhibit B.

WHEREFORE, Plaintiff respectfully demands judgment against these Defendants for money damages in an amount in excess of \$10,000, together with costs of this action and such other and further relief as is just and appropriate.

This 19th day of July, 2019.

(s) James O. Wilson, Jr.
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