

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 7

COUNTY OF OUTAGAMIE

COLTON HIDDE, a minor, by his
Guardian *Ad Litem*, TARA R. DEVINE,
KAREN HIDDE, Individually, and
MICHAEL HIDDE, Individually,

Plaintiffs,

UNITED HEALTHCARE SERVICES, INC.,
a Foreign Corporation,
WISCONSIN DEPARTMENT OF HEALTH SERVICES,
a Governmental entity,
NETWORK HEALTH INC., a Wisconsin Corporation, and
BLUE CROSS BLUE SHIELD OF WISCONSIN,
a Wisconsin Corporation,

Involuntary Plaintiffs,

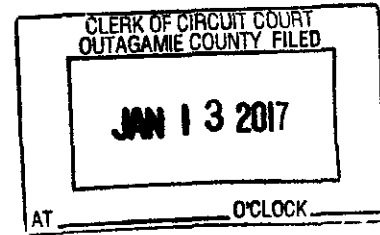
vs.

Case No.: 15-CV-78

THEDACARE MEDICAL CENTER – NEW LONDON, INC.,
a Wisconsin Corporation, Doing Business as
NEW LONDON FAMILY MEDICAL CENTER,
MMIC INSURANCE, INC.,
MICHAEL L. FETTEROLF, M.D., and
WISCONSIN INJURED PATIENTS AND FAMILIES
COMPENSATION FUND, a Statutory Corporation,

Defendants.

Case Code: 30104
Medical Malpractice



PLAINTIFFS' AMENDED COMPLAINT AT LAW

COUNT ONE
(COLTON HIDDE v. ThedaCare, MMIC, and WI Injured Patients and Families Fund)
(Medical Negligence)

NOW COME the Plaintiffs, COLTON HIDDE, a minor, by his parents and Next Friends,
KAREN and MICHAEL HIDDE, KAREN HIDDE, Individually, and MICHAEL HIDDE,
Individually, by and through their attorneys, SALVI, SCHOSTOK & PRITCHARD, P.C., and

complaining of THEDACARE MEDICAL CENTER – NEW LONDON, INC., a Wisconsin Corporation Doing Business as NEW LONDON FAMILY MEDICAL CENTER, MMIC INSURANCE, INC., a Foreign Corporation Doing Business as MIDWEST MEDICAL INSURANCE COMPANY, and WISCONSIN INJURED PATIENTS AND FAMILIES COMPENSATION FUND, a Statutory Corporation, states as follows:

1. On October 2, 2012, and at all times material, the Plaintiff, COLTON HIDDE, a minor, was a child born to parents KAREN and MICHAEL HIDDE, residing at 601 East Hancock Street, New London, Wisconsin 54961.

2. On October 2, 2012, and at all times material, KAREN HIDDE was an adult residing at 601 East Hancock Street, New London, Wisconsin 54961, and the natural parent and guardian of COLTON HIDDE.

3. On October 2, 2012, and at all times material, MICHAEL HIDDE was an adult residing at 601 East Hancock Street, New London, Wisconsin 54961, and the natural parent and guardian of COLTON HIDDE.

4. Involuntary Plaintiff, United Healthcare Services, Inc., (hereinafter “UNITED”) is a foreign insurance corporation with its home office and principal place of business located at 9900 Bren Road East, Minnetonka, Minnesota 55343. UNITED is licensed to administer and is engaged in the business of administering health insurance benefits in Wisconsin. The registered agent for service of process is CT Corporation System, 8020 Excelsior Drive, Suite 200, Madison, Wisconsin 53717.

5. Subsequent to October 2, 2012, and at all times material to this Complaint, Involuntary Plaintiff, UNITED, contracted to provide healthcare insurance coverage to Plaintiff, COLTON HIDDE, and may have paid medical bills on behalf of the Plaintiff for the injuries he

sustained in the incident which is the subject of this lawsuit, may be so obligated in the future, and, therefore, may have a subrogated interest to the extent of its payments subject to applicable state and/or federal law, and that by reason of such payments, UNITED is an Involuntary Plaintiff under Section 803.03 of Wisconsin Statutes. Plaintiff requests an extinguishment of any alleged subrogation claim.

6. Involuntary Plaintiff, Wisconsin Department of Health Services, (hereinafter "WDHS") is a governmental entity with its home office and principal place of business at 1 West Wilson Street, P.O. Box 7850, Madison, Wisconsin 53707. WDHS is licensed to administer and is engaged in the business of administering health insurance benefits in Wisconsin. The registered agent for service of process is Office of Legal Counsel, 1 West Wilson Street, P.O. Box 7850, Madison, Wisconsin 53707.

7. Subsequent to October 2, 2012, and at all times material to this Complaint, Involuntary Plaintiff, WDHS, contracted to provide healthcare insurance coverage to Plaintiff, COLTON HIDDE, and may have paid medical bills on behalf of the Plaintiff for the injuries he sustained in the incident which is the subject of this lawsuit, may be so obligated in the future, and, therefore, may have a subrogated interest to the extent of its payments subject to applicable state and/or federal law, and that by reason of such payments, WDHS is an Involuntary Plaintiff under Section 803.03 of Wisconsin Statutes. Plaintiff requests an extinguishment of any alleged subrogation claim.

8. Involuntary Plaintiff, Blue Cross Blue Shield of Wisconsin, (hereinafter "BCBS") is a Wisconsin insurance corporation with its home office and principal place of business located at N17 W24340 Riverwood Drive, Waukesha, Wisconsin 53188. BCBS is licensed to administer and is engaged in the business of administering health insurance benefits in Wisconsin. The

registered agent for service of process is CT Corporation System, 8020 Excelsior Drive, Suite 200, Madison, Wisconsin 53717.

9. Subsequent to October 2, 2012, and at all times material to this Complaint, Involuntary Plaintiff, BCBS, contracted to provide healthcare insurance coverage to Plaintiff, COLTON HIDDE, and may have paid medical bills on behalf of the Plaintiff for the injuries he sustained in the incident which is the subject of this lawsuit, may be so obligated in the future, and, therefore, may have a subrogated interest to the extent of its payments subject to applicable state and/or federal law, and that by reason of such payments, BCBS is an Involuntary Plaintiff under Section 803.03 of Wisconsin Statutes. Plaintiff requests an extinguishment of any alleged subrogation claim.

10. Involuntary Plaintiff Network Health Inc. (hereinafter "NETWORK") is a Wisconsin insurance corporation with its home office and principal place of business at 1570 Midway Place, Menasha, Wisconsin 54952. On October 2, 2012, and at all times material to this Complaint, NETWORK was engaged in the business of administering health insurance benefits in Wisconsin. The registered agent for service of process is Amy Grinnell, 1570 Midway Place, Menasha, Wisconsin 54952.

11. Subsequent to October 2, 2012, and at all times material to this Complaint, Involuntary Plaintiff, NETWORK, contracted to provide healthcare insurance coverage to Plaintiff, COLTON HIDDE, and may have paid medical bills on behalf of the Plaintiff for the injuries he sustained in the incident which is the subject of this lawsuit, may be so obligated in the future, and, therefore, may have a subrogated interest to the extent of its payments subject to applicable state and/or federal law, and that by reason of such payments, NETWORK is an

Involuntary Plaintiff under Section 803.03 of Wisconsin Statutes. Plaintiff requests an extinguishment of any alleged subrogation claim.

12. On and prior to October 2, 2012, and at all times material to this Complaint, NETWORK contracted to provide healthcare insurance coverage to Plaintiff, COLTON HIDDE, by offering the coverage in exchange for accepting health insurance premiums paid by COLTON HIDDE's parents and legal guardians, KAREN and MICHAEL HIDDE.

13. On October 2, 2012, and at all times material to this Complaint, COLTON HIDDE, a minor, was a third party beneficiary to the contract to provide healthcare insurance coverage between NETWORK and KAREN and MICHAEL HIDDE.

14. Defendant, Thedacare Medical Center – New London, Inc., doing business as New London Family Medical Center, (hereinafter “THEDACARE”), was a Wisconsin corporation with its home office and principal place of business located at 1405 Mill Street, New London, Wisconsin 54961. The registered agent for service of process is G & K Wisconsin Services, LLC, 100 West Lawrence Street, Appleton, Wisconsin 54911.

15. Defendant, THEDACARE is licensed and in the business of providing hospital and medical services in Wisconsin, holding itself out to the public as same.

16. On October 2, 2012, and at all times material hereto, Defendant, MMIC Insurance Inc., doing business as Midwest Medical Insurance Co., (hereinafter “MMIC”), was a foreign insurance corporation with its home office and principal place of business located at 7701 France Avenue South, Suite 500, Minneapolis, Minnesota 55435. MMIC is licensed to administer and is engaged in the business of administering professional and/or liability insurance in Wisconsin. The registered agent for service of process is Corporation Service Company, 8040 Excelsior Drive, Suite 400, Madison, Wisconsin 53717.

17. On October 2, 2012, and at all times material hereto, Defendant, Michael L. Fetterolf, M.D., (hereinafter "FETTEROLF"), is a physician licensed to practice medicine in all its branches by the State of Wisconsin. His home address for service of process is N1081 Spring Valley Drive, Hortonville, Wisconsin 54944.

18. On October 2, 2012, and at all times material hereto, Defendant, FETTEROLF, held himself out to the public generally as a physician specializing in family medicine.

19. On October 2, 2012, and at all times material hereto, FETTEROLF, was an employee, agent and or apparent agent of THEDACARE.

20. On October 2, 2012, and at all times material hereto, MMIC provided medical professional liability insurance to Defendants, THEDACARE and FETTEROLF. MMIC has an interest in the outcome of this litigation adverse to the Plaintiff. MMIC has by its policies of insurance assumed or reserved the right to control the defense of this litigation, to engage counsel to defend same, to pay the damages assessed and the costs of litigation. MMIC is a proper party to this action and is directly liable to the Plaintiff pursuant to Wis. Stat. § 803.04(2).

21. On October 2, 2012, and at all times material hereto, Defendant, Wisconsin Injured Patients and Families Compensation Fund, (hereinafter "the FUND"), was a statutory corporation, pursuant to Chapter 655 of the Wisconsin Statutes, with its principal place of business located at 125 South Webster Street, Madison, Wisconsin 53707. Defendant is by law the excess medical professional liability carrier insurer of Wisconsin physicians and hospitals who purchase underlying medical malpractice insurance with the appropriate terms and conditions. The person designated for service of process is Jeff Kohlmann, Fund Director, at 125 South Webster Street, Madison, Wisconsin 53707.

22. On October 2, 2012, and at all times material hereto, The FUND was the excess medical professional liability carrier for THEDACARE.

23. On October 2, 2012, and at all times material hereto, The FUND was the excess medical professional liability carrier for FETTEROLF.

24. On October 2, 2012, and at all times material hereto, THEDACARE employed certain personnel, including but not limited to physicians, physician assistants, nurses, certified nursing assistants, laboratory personnel and other hospital personnel who provided hospital, laboratory, nursing and pediatric services to Plaintiff, COLTON HIDDE.

25. On October 2, 2012, Plaintiff, COLTON HIDDE, was born at THEDACARE.

26. On October 2, 2012, and at all times material, FETTEROLF provided medical care and treatment to COLTON HIDDE.

27. On October 2, 2012, and at all times material, there was in full force and effect Wisconsin Statute Section 253.13(1), which required the attending physician or nurse to take a blood draw for congenital and metabolic disorders testing prior to the child's discharge.

28. On October 2, 2012, and at all times material hereto, there was in full force and effect a Wisconsin Administrative Code Chapter DHS 115 which identified various metabolic disorders which were required under the law to be tested within 24-48 hours of birth.

29. On October 4, 2012, at approximately 4:05 A.M., a newborn screening blood specimen was collected from COLTON HIDDE by and through THEDACARE employees, agents or apparent agents, including but not limited to physicians, physician assistants, nurses, certified nursing assistants, laboratory personnel and other hospital personnel.

30. On October 5, 2012, FETTEROLF ordered warming for COLTON HIDDE to increase his internal body temperature from 96.2 degrees Fahrenheit.

31. On October 5, 2012, prior to discharge from THEDACARE, COLTON HIDDE was jaundiced.

32. On October 5, 2012, COLTON HIDDE was having a difficult time breastfeeding.

33. On or about October 5, 2012, THEDACARE, by and through its employees, agents or apparent agents, including but not limited to physicians, physician assistants, nurses, certified nursing assistants, laboratory personnel and other hospital personnel, and/or FETTEROLF, requested additional health insurance coverage for a continued inpatient stay for COLTON HIDDE, which was denied by Defendant, NETWORK.

34. FETTEROLF discharged COLTON HIDDE from THEDACARE on October 5, 2012, at approximately 7:30 P.M.

35. Discharge orders from THEDACARE and FETTEROLF indicate COLTON HIDDE was to undergo a weight, color check and lactation consult in two days.

36. THEDACARE, by and through its employees, agents or apparent agents, including but not limited to physicians, physician assistants, nurses, certified nursing assistants, laboratory personnel and other hospital personnel failed to send the newborn screening blood specimen to the Wisconsin State Laboratory of Hygiene on October 4, 2012, October 5, 2012, October 6, 2012 or October 7, 2012.

37. The Wisconsin State Laboratory of Hygiene did not receive the newborn screening blood specimen until October 9, 2012, at approximately 7:44 A.M.

38. On October 6, 2012, COLTON HIDDE arrived at THEDACARE after his mother, KAREN HIDDE, noticed that Colton was lethargic and not feeding, with little to no urine output.

39. On October 6, 2012, while a patient at THEDACARE, COLTON HIDDE developed a bloody, frothy discharge from his mouth and nose and he was intubated.

40. COLTON HIDDE was transferred from THEDACARE to Children's Hospital of Wisconsin at approximately 12:13 A.M. on October 7, 2012.

41. On October 9, 2012, the Wisconsin State Laboratory completed the results of the newborn screening blood specimen which showed abnormal Citrulline, evidence of Argininosuccinic acid lyase (hereinafter "ASAL") deficiency.

42. On October 2, 2012, and at all times material hereto, THEDACARE, by and through its employees, agents and/or apparent agents, including but not limited to physicians, physician assistants, nurses, certified nursing assistants, laboratory personnel and other hospital personnel, had the duty to possess and apply and use the skill and care which a reasonably careful physician, nurse and/or hospital employee or agent would use in the same or similar circumstances.

43. On October 2, 2012, and at all times material hereto, THEDACARE, by and through its employees, agents and/or apparent agents, including but not limited to physicians, physician assistants, nurses, certified nursing assistants, laboratory personnel and other hospital personnel, breached that duty and was negligent in one or more of the following ways:

- a. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene;
- b. Inappropriately batched the newborn care screening specimen of COLTON HIDDE with the specimen of other patients;

- c. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene in violation of the State Laboratory's guidelines of submitting within 24 hours;
- d. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene in violation of the State Laboratory's guidelines of submitting the specimens for analysis as soon as possible after drying;
- e. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene in violation of the State Laboratory's guidelines of submitting the specimens for analysis within 24 hours of completion;
- f. Failed to recognize the signs and symptoms COLTON HIDDE was experiencing required further evaluation and work-up prior to discharge;
- g. Failed to provide a differential diagnosis for the signs and symptoms COLTON HIDDE was experiencing prior to discharge;
- h. Failed to order necessary follow-up treatment upon time of discharge;
- i. Prematurely discharged COLTON HIDDE; and
- j. Was otherwise negligent in the proper care and treatment of COLTON HIDDE.

44. As a proximate result of one or more of the foregoing negligent acts and/or omissions of the employees, agents and/or apparent agents, including but not limited to physicians, physician assistants, nurses, certified nursing assistants, laboratory personnel and other hospital personnel, of THEDACARE, there was a delayed diagnosis of COLTON

HIDDE's ASAL deficiency causing him to suffer severe and permanent brain damage, conscious pain and suffering, the loss of enjoyment of life, disability and disfigurement. It also caused him to incur past and future medical expenses and future loss of earnings.

COUNT TWO
(KAREN and MICHAEL HIDDE v. ThedaCare, MMIC, and WI Injured Patients and Families Fund)
(Medical Negligence – Family Expense, Caretaking Expense & Loss of Society)

NOW COME the Plaintiffs, KAREN HIDDE, Individually, and MICHAEL HIDDE, Individually, by and through their attorneys, SALVI, SCHOSTOK & PRITCHARD, P.C., and complaining of THEDACARE MEDICAL CENTER – NEW LONDON, INC., a Wisconsin Corporation Doing Business as NEW LONDON FAMILY MEDICAL CENTER, MMIC INSURANCE, INC., a Foreign Corporation Doing Business as MIDWEST MEDICAL INSURANCE COMPANY, and WISCONSIN INJURED PATIENTS AND FAMILIES COMPENSATION FUND, a Statutory Corporation, states as follows:

1.– 43. Plaintiff, COLTON HIDDE, a minor by his parents and Next Friends, KAREN and MICHAEL HIDDE, restate, reallege and incorporate by reference, Paragraphs 1 through 43, including all subparagraphs, of Count One as and for Paragraphs 1 through 43 of Count Two.

44. As a proximate result of one or more of the foregoing acts or omissions by Defendant, THEDACARE, by and through its employees, agents or apparent agents, including but not limited to physicians, physician assistants, nurses, certified nursing assistants, laboratory personnel and other hospital personnel, Plaintiff, COLTON HIDDE, a minor, sustained severe, permanent and irreversible brain damage and is permanently disabled.

45. As a consequence of the brain damage and other injuries suffered by COLTON HIDDE, a minor, his parents, KAREN and MICHAEL HIDDE, have incurred an in the future

will incur obligations for substantial sums of money for hospital, medical, nursing, caretaking and other medical and family expenses of the minor, COLTON HIDDE.

46. As a consequence of the brain damage and other injuries suffered by COLTON HIDDE, a minor, his parents, KAREN and MICHAEL HIDDE, have been injured as they have been deprived of COLTON HIDDE's aid, comfort, love, affection, society and companionship and the enjoyment of those experiences normally shared by parents and children.

COUNT THREE
(COLTON HIDDE v. ThedaCare and MMIC)
(General Negligence)

NOW COME the Plaintiffs, COLTON HIDDE, a minor, by his parents and Next Friends, KAREN and MICHAEL HIDDE, KAREN HIDDE, Individually, and MICHAEL HIDDE, Individually, by and through their attorneys, SALVI, SCHOSTOK & PRITCHARD, P.C., and complaining of THEDACARE MEDICAL CENTER – NEW LONDON, INC., a Wisconsin Corporation Doing Business as NEW LONDON FAMILY MEDICAL CENTER, and MMIC INSURANCE, INC., a Foreign Corporation Doing Business as MIDWEST MEDICAL INSURANCE COMPANY, states as follows:

1.– 41. Plaintiff, COLTON HIDDE, a minor by his parents and Next Friends, KAREN and MICHAEL HIDDE, restate, reallege and incorporate by reference, Paragraphs 1 through 41, including all subparagraphs, of Count One as and for Paragraphs 1 through 41 of Count Three.

42. On October 2, 2012, and at all times material hereto, THEDACARE, by and through its employees, agents and/or apparent agents, including but not limited to laboratory personnel and other administrative hospital personnel, had the duty to possess and apply and use the skill and care which a reasonably careful laboratory personnel or administrative employee or agent would use in the same or similar circumstances.

43. On October 2, 2012, and at all times material hereto, THEDACARE, by and through its employees, agents and/or apparent agents, including but not limited to laboratory personnel and other administrative hospital personnel, breached that duty and was negligent in one or more of the following ways:

- a. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene;
- b. Inappropriately batched the newborn care screening specimen of COLTON HIDDE with the specimen of other patients;
- c. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene in violation of the State Laboratory's guidelines of submitting within 24 hours;
- d. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene in violation of the State Laboratory's guidelines of submitting the specimens for analysis as soon as possible after drying;
- e. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene in violation of the State Laboratory's guidelines of submitting the specimens for analysis within 24 hours of completion;
- f. Failed to have proper procedures and guidelines in place to ensure the newborn care screening specimen for patients including COLTON HIDDE was sent to the Wisconsin State Laboratory of Hygiene in a timely manner pursuant to the State Laboratory's guidelines; and

g. Was otherwise negligent.

44. As a proximate result of one or more of the foregoing negligent acts and/or omissions of the employees, agents and/or apparent agents, including but not limited to laboratory personnel and other administrative hospital personnel, of THEDACARE, there was a delayed diagnosis of COLTON HIDDE's ASAL deficiency causing him to suffer severe and permanent brain damage, conscious pain and suffering, the loss of enjoyment of life, disability and disfigurement. It also caused him to incur past and future medical expenses and future loss of earnings.

COUNT FOUR

(KAREN and MICHAEL HIDDE v. ThedaCare and MMIC)

(General Negligence – Family Expense, Caretaking Expense & Loss of Society)

NOW COME the Plaintiffs, KAREN HIDDE, Individually, and MICHAEL HIDDE, Individually, by and through their attorneys, SALVI, SCHOSTOK & PRITCHARD, P.C., and complaining of THEDACARE MEDICAL CENTER – NEW LONDON, INC., a Wisconsin Corporation Doing Business as NEW LONDON FAMILY MEDICAL CENTER, and MMIC INSURANCE, INC., a Foreign Corporation Doing Business as MIDWEST MEDICAL INSURANCE COMPANY, states as follows:

1.– 44. Plaintiff, COLTON HIDDE, a minor by his parents and Next Friends, KAREN and MICHAEL HIDDE, restate, reallege and incorporate by reference, Paragraphs 1 through 44, including all subparagraphs, of Count Three as and for Paragraphs 1 through 44 of Count Four.

45. As a proximate result of one or more of the foregoing acts or omissions by Defendant, THEDACARE, by and through its employees, agents or apparent agents, including but not limited to laboratory personnel and other administrative hospital personnel, Plaintiff,

COLTON HIDDE, a minor, sustained severe, permanent and irreversible brain damage and is permanently disabled.

46. As a consequence of the brain damage and other injuries suffered by COLTON HIDDE, a minor, his parents, KAREN and MICHAEL HIDDE, have incurred an in the future will incur obligations for substantial sums of money for hospital, medical, nursing, caretaking and other medical and family expenses of the minor, COLTON HIDDE.

47. As a consequence of the brain damage and other injuries suffered by COLTON HIDDE, a minor, his parents, KAREN and MICHAEL HIDDE, have been injured as they have been deprived of COLTON HIDDE's aid, comfort, love, affection, society and companionship and the enjoyment of those experiences normally shared by parents and children.

COUNT FIVE
(COLTON HIDDE v. Fetterolf, MMIC, and WI Injured Patients and Families Fund)
(Medical Negligence)

NOW COME the Plaintiffs, COLTON HIDDE, a minor, by his parents and Next Friends, KAREN and MICHAEL HIDDE, KAREN HIDDE, Individually, and MICHAEL HIDDE, Individually, by and through their attorneys, SALVI, SCHOSTOK & PRITCHARD, P.C., and complaining of MICHAEL L. FETTEROLF, M.D., Individually, MMIC INSURANCE, INC., a Foreign Corporation Doing Business as MIDWEST MEDICAL INSURANCE COMPANY, and WISCONSIN INJURED PATIENTS AND FAMILIES COMPENSATION FUND, a Statutory Corporation, states as follows:

1.- 41. Plaintiff, COLTON HIDDE, a minor by his parents and Next Friends, KAREN and MICHAEL HIDDE, restate, reallege and incorporate by reference, Paragraphs 1 through 41, including all subparagraphs, of Count One as and for Paragraphs 1 through 41 of Count Five.

42. On October 2, 2012, and at all times material hereto, MICHAEL L. FETTEROLF (hereinafter "FETTEROLF"), had the duty to possess and apply and use the skill and care which a reasonably careful physician would use in the same or similar circumstances.

43. On October 2, 2012, and at all times material hereto, FETTEROLF breached that duty and was negligent in one or more of the following ways:

- a. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene;
- b. Inappropriately batched the newborn care screening specimen of COLTON HIDDE with the specimen of other patients;
- c. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene in violation of the State Laboratory's guidelines of submitting within 24 hours;
- d. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene in violation of the State Laboratory's guidelines of submitting the specimens for analysis as soon as possible after drying;
- e. Failed to timely submit the newborn care screening specimen of COLTON HIDDE to the Wisconsin State Laboratory of Hygiene in violation of the State Laboratory's guidelines of submitting the specimens for analysis within 24 hours of completion;
- f. Failed to recognize the signs and symptoms COLTON HIDDE was experiencing required further evaluation and work-up prior to discharge;

- g. Failed to provide a differential diagnosis for the signs and symptoms COLTON HIDDE was experiencing prior to discharge;
- h. Failed to order necessary follow-up treatment upon time of discharge;
- i. Prematurely discharged COLTON HIDDE; and
- j. Was otherwise negligent in the proper care and treatment of COLTON HIDDE.

44. As a proximate result of one or more of the foregoing negligent acts and/or omissions of FETTEROLF, there was a delayed diagnosis of COLTON HIDDE's ASAL deficiency causing him to suffer severe and permanent brain damage, conscious pain and suffering, the loss of enjoyment of life, disability and disfigurement. It also caused him to incur past and future medical expenses and future loss of earnings.

COUNT SIX
(KAREN and MICHAEL HIDDE v. Fetterolf, MMIC, and WI Injured Patients and Families Fund)
(Medical Negligence – Family Expense, Caretaking Expense & Loss of Society)

NOW COME the Plaintiffs, KAREN HIDDE, Individually, and MICHAEL HIDDE, Individually, by and through their attorneys, SALVI, SCHOSTOK & PRITCHARD, P.C., and complaining of MICHAEL L. FETTEROLF, M.D., Individually, MMIC INSURANCE, INC., a Foreign Corporation Doing Business as MIDWEST MEDICAL INSURANCE COMPANY, and WISCONSIN INJURED PATIENTS AND FAMILIES COMPENSATION FUND, a Statutory Corporation, states as follows:

1.– 43. Plaintiff, COLTON HIDDE, a minor by his parents and Next Friends, KAREN and MICHAEL HIDDE, restate, reallege and incorporate by reference, Paragraphs 1 through 43, including all subparagraphs, of Count Five as and for Paragraphs 1 through 43 of Count Six.

44. As a proximate result of one or more of the foregoing acts or omissions by Defendant, FETTEROLF, Plaintiff, COLTON HIDDE, a minor, sustained severe, permanent and irreversible brain damage and is permanently disabled.

45. As a consequence of the brain damage and other injuries suffered by COLTON HIDDE, a minor, his parents, KAREN and MICHAEL HIDDE, have incurred and in the future will incur obligations for substantial sums of money for hospital, medical, nursing, caretaking and other medical and family expenses of the minor, COLTON HIDDE.

46. As a consequence of the brain damage and other injuries suffered by COLTON HIDDE, a minor, his parents, KAREN and MICHAEL HIDDE, have been injured as they have been deprived of COLTON HIDDE's aid, comfort, love, affection, society and companionship and the enjoyment of those experiences normally shared by parents and children.

WHEREFORE, the Plaintiffs, KAREN HIDDE, Individually, and MICHAEL HIDDE, Individually, by and through their attorneys, SALVI, SCHOSTOK & PRITCHARD, P.C., and complaining of THEDACARE MEDICAL CENTER – NEW LONDON, INC., a Wisconsin Corporation Doing Business as NEW LONDON FAMILY MEDICAL CENTER, MMIC INSURANCE, INC., a Foreign Corporation Doing Business as MIDWEST MEDICAL INSURANCE COMPANY, MICHAEL FETTEROLF, M.D., Individually and as an agent of THEDACARE MEDICAL CENTER – NEW LONDON, INC., NETWORK HEALTH, INC., a Wisconsin Corporation, and WISCONSIN INJURED PATIENTS AND FAMILIES COMPENSATION FUND, a Statutory Corporation, demands judgment as follows:

- a. Declaration of rights, pursuant to Wis. Stat. § 806.04, to determine the subrogation rights and interest, if any, of the involuntary plaintiffs, NETWORK

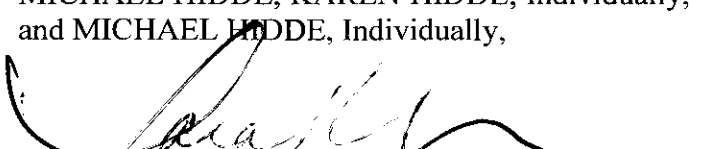
HEALTH, INC., UNITED HEALTHCARE SERVICES, INC., and WISCONSIN
DEPARTMENT OF HEALTH SERVICES;

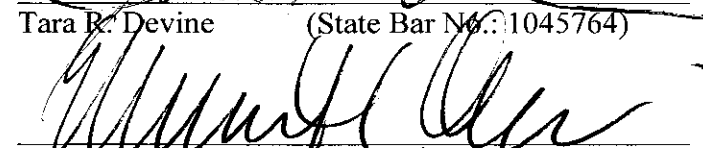
- b. Judgment that NETWORK HEALTH, Inc., has forfeited its right to subrogation as it caused or contributed to the injuries sustained by Plaintiffs in this lawsuit;
- c. Compensatory damages found to be appropriate by the trier of fact, including but not limited to: past and future pain and suffering, loss of enjoyment of life, disability, disfigurement, increased risk of harm, medical expenses, caretaking expenses, loss of society and companionship, and future loss of earnings, together with the attorney's fees, costs, disbursements and pre-judgment interest in this action as permitted under Wisconsin law. Plaintiffs allege that their damages are more than the minimal amount necessary to invoke the jurisdiction of this Court; and
- a. Punitive Damages as determined appropriate by the trier of fact, and as permitted under Wisconsin law.

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY.

SALVI, SCHOSTOK & PRITCHARD, P.C.

Attorneys for the Plaintiffs, COLTON HIDDE, by his Parents and Next Friends, KAREN and MICHAEL HIDDE, KAREN HIDDE, Individually, and MICHAEL HIDDE, Individually,


Tara R. Devine (State Bar No.: 1045764)


Elizabeth R. Olszewski (State Bar No.: 1092060)

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