

STATE OF INDIANA)
)
COUNTY OF LAKE) SS: SITTING IN _____
) LAKE COUNTY, INDIANA

ALBERT TERPSTRA,)
)
Plaintiff,)

-VS-

DAVID A. STEWART, M.D., and)
VSEVOLOD B. TIKHOMIROV, M.D.,)
)
Defendants.)

Cause No.: **45D04-2509-CT-001136**

COMPLAINT FOR MEDICAL MALPRACTICE

COMES NOW the Plaintiff, ALBERT TERPSTRA, by his attorneys, PAVICH LAW GROUP, P.C., and complaining of the Defendants, DAVID A. STEWART, M.D. and VSEVOLOD B. TIKHOMIROV, M.D., states as follows:

FACTS APPLICABLE TO ALL COUNTS

1. On October 26, 2020, and thereafter, ALBERT TERPSTRA was a patient pursuant to I.C. 24-18-1-1 *et seq.* of Defendant, DAVID A. STEWART M.D., hereafter “DR. STEWART.”

2. At all times stated herein, DR. STEWART was a physician specializing in cardiology and interventional cardiology, was licensed to practice medicine in the State of Indiana, and was a “qualified” health provider pursuant to 34-18-1-1 *et seq.*

3. On October 28, 2020, and thereafter, ALBERT TERPSTRA was a patient pursuant to I.C. 24-18-1-1 *et seq.* of Defendant VSEVOLOD B. TIKHOMIROV M.D., hereafter “DR. TIKHOMIROV.”

4. At all times stated herein, DR. TIKHOMIROV was a physician specializing in cardiothoracic/vascular surgery, was licensed to practice medicine in the State of Indiana, was a

“qualified” health provider pursuant to 34-18-1-1 *et seq.*, and acted individually and as Agent of CCNI.

5. On October 26, 2020, ALBERT TERPSTRA was admitted to Community Hospital under the care of admitting provider, DR. STEWART, and was diagnosed with an acute saddle pulmonary embolism with cor pulmonale and deep vein thrombosis.

6. On October 27, 2020, DR. STEWART performed a pulmonary angiogram and insertion of EKOS catheters into ALBERT TERPSTRA’s right and left pulmonary arteries.

7. During the course of the EKOS procedure, DR. STEWART noted that a tip of one of the venous access sheaths had sheared off and was unable to be located via fluoroscopic imaging.

8. On October 28, 2020, at 10:11am, DR. STEWART ordered a CT scan to locate the sheared-off sheath.

9. On October 28, 2020, at 10:26am, the intact sheath and EKOS Catheter were removed.

10. At 10:29am, DR. STEWART ordered that a CT be performed after ALBERT TERPSTRA completed four hours of bedrest following the 10:26am sheath and catheter removal.

11. On October 28, 2020, at 4:13pm, ALBERT TERPSTRA underwent a CT scan that disclosed the portion of the sheath that had been sheared off, measuring 7cm, which was seen in the right external iliac vein extending into the right common femoral vein.

12. DR. STEWART reviewed the October 28 CT findings at the time of interpretation.

13. DR. STEWART then referred ALBERT TERPSTRA for consultation with cardiovascular surgery for removal of the sheath.

14. On October 28, 2020, at or about 5:52pm, DR. TIKHOMIROV evaluated ALBERT TERPSTRA and planned to perform a right groin exploration, femoral cut-down, and extraction of the retained intravascular sheath on October 29, 2020.

15. On October 28, 2020, at or about 5:52pm, DR. STEWART was present on the floor, was aware of the planned October 29 extraction, and advised the staff that it was acceptable for ALBERT TERPSTRA to ambulate to the bathroom.

16. On October 27, 2020, and thereafter, DR. STEWART knew of the risk that the sheared-off catheter could migrate within the vasculature.

17. On October 28, 2020, DR. TIKHOMIROV knew of the risk that the sheared-off catheter could migrate within the vasculature.

18. On October 29, 2020, at 1:43pm, DR. TIKHOMIROV performed the femoral cut-down upon ALBERT TERPSTRA and the sheared-off catheter was not found.

19. A CT scan performed on October 29, 2020, at 4:35pm, showed that the 7cm catheter had migrated into ALBERT TERPSTRA's right ventricle.

20. On October 30, 2020, DR. STEWART unsuccessfully performed percutaneous intravascular attempts to remove the catheter from ALBERT TERPSTRA's heart.

21. On October 30, 2020, ALBERT TERPSTRA underwent a sternotomy and cardio-pulmonary bypass surgery that resulted in successful removal of the migrated catheter from within his heart.

22. This matter was presented to a Medical Review Panel on December 17, 2024 and July 15, 2025. Plaintiff's counsel received a certified copy of the Medical Review Panel Opinion from Chairman G. Anthony Bertig on September 11, 2025, confirming that the Panel had convened

and rendered a unanimous opinion, thus satisfying the requirements of I.C. 34-18-8-4. (See Opinion of Medical Review Panel, attached hereto as Exhibit A.)

COUNT I – NEGLIGENCE v. DAVID A. STEWART, M.D.

1-22. Plaintiff hereby incorporates allegations contained in paragraphs 1-22 as if fully set forth herein.

23. On October 27, 2020 and thereafter, DR. STEWART was negligent and fell below the standard of care in one or more of the following ways:

- a. Failed to timely order tests to determine the location of the sheared-off portion of the sheath;
- b. Failed to see that ordered tests to locate the sheath were timely performed;
- c. Failed to timely order a consultation with cardiovascular surgery for removal of the sheared-off sheath;
- d. Failed to timely remove or see that the sheared-off portion of the sheath was timely removed by a qualified physician prior to its migration into the heart;
- e. On October 28, 2020, permitted ALBERT TERPSTRA to be up and ambulate to the bathroom.

24. As a result of the forgoing negligence of DR. STEWART, as outlined above, the sheared-off portion of the catheter migrated into ALBERT TERPSTRA's right ventricle, requiring an endovascular procedure and sternotomy with cardiopulmonary bypass to remove it, causing significant past and future pain and suffering, past and future disability, disfigurement, development of a cardiac arrhythmia condition, and past and future medical expenses.

WHEREFORE, Plaintiff, ALBERT TERPSTRA, asks for damages against Defendant, DAVID A. STEWART, M.D., as are reasonable in the premises, the costs of this action, judgment interest and for all other proper relief.

COUNT II – NEGLIGENCE v. VSEVOLOD B. TIKHOMIROV, M.D.

1-22. Plaintiff hereby incorporates allegations contained in paragraphs 1-22 as if fully set forth herein.

25. On October 28, 2020, and thereafter, DR. TIKHOMIROV was negligent and fell below the standard of care in that he failed to timely take ALBERT TERPSTRA to surgery and remove the sheared-off sheath prior to its migration into ALBERT TERPSTRA's heart.

26. As a direct and proximate result of the foregoing negligence of DR. TIKHOMIROV as outlined above, the sheared-off portion of the catheter migrated into ALBERT TERPSTRA's right ventricle, requiring an endovascular procedure and sternotomy with cardiopulmonary bypass to remove it, causing significant past and future pain and suffering, past and future disability, disfigurement, development of a cardiac arrhythmia condition, and past and future medical expenses.

27. On October 29, 2020, DR. TIKHOMIROV was negligent and fell below the standard of care in that he failed to order a CT scan to determine the location of the sheath before commencing the right groin exploration/femoral cut-down.

28. As a direct and proximate result of the foregoing negligence of DR. TIKHOMIROV as outlined above, ALBERT TERPSTRA underwent surgery that was no longer indicated, suffered unnecessary pain and suffering, and incurred past and future medical expenses.

WHEREFORE, Plaintiff, ALBERT TERPSTRA, asks for damages against Defendant, VSEVOLOD B. TIKHOMIROV, M.D., as are reasonable in the premises, the costs of this action, judgment interest, and for all other proper relief.

Respectfully Submitted:

By: /s/ Anastasia X. Pavich
One of Plaintiff's Attorneys

Anastasia X. Pavich, #25373-45
Hannah K. Sweeney, #36619-45
PAVICH LAW GROUP, P.C.
30 West Monroe Street, Suite 1310
Chicago, Illinois 60603
(312) 690-8400
apavich@pavichlawgroup.com
hsweeney@pavichlawgroup.com
Counsel for Plaintiff

JURY DEMAND

Plaintiff, ALBERT TERPSTRA, hereby demands a trial by jury by the maximum number of jurors permitted by law.

Respectfully Submitted:

By: /s/ Anastasia X. Pavich
One of Plaintiff's Attorneys

Anastasia X. Pavich, #25373-45
Hannah K. Sweeney, #36619-45
PAVICH LAW GROUP, P.C.
30 West Monroe Street, Suite 1310
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Counsel for Plaintiff

G. ANTHONY BERTIG
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Medical Review Panel Chairman
121 Lincolnway
Valparaiso IN 46383

G. Anthony (Tony) Bertig, JD
tony@tblawyers.com

Phone 219 462 4149
FAX 219 477 4932

July 10, 2024

Indiana Department of Insurance
ATTENTION: AMY L BEARD
311 West Washington Street, #300
Indianapolis, IN 46204-2787

IN RE: ALBERT TERPSTRA vs DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D. / **MEDICAL REVIEW**

Dear Commissioner Beard:

Please be advised Dr. Woodrow Corey, previously named to this panel, has been replaced by:

GREGORY B ELSNER MD
ASCENSION MEDICAL GROUP CARDIOLOGY
8333 NAAB RD #420
INDIANAPOLIS IN 46260

Thank you for noting this change in your records.

Sincerely,



CHAIRMAN OF THE PANEL
G. Anthony Bertig

GAB/clb
cc: Attorneys

G. ANTHONY BERTIG
(Bertig & Associates LLC)
Medical Review Panel Chairman
121 Lincolnway
Valparaiso IN 46383

G. Anthony (Tony) Bertig, JD
tony@tblawyers.com

Phone 219 462 4149
FAX 219 477 4932

September 5, 2025

CERTIFIED MAIL

Indiana Department of Insurance
ATTENTION: COMM HOLLY W LAMBERT
311 West Washington Street, #300
Indianapolis, Indiana 46204-2787

IN RE: ALBERT TERPSTRA vs DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D. / **MEDICAL REVIEW**

Dear Commissioner Lambert:

Please be advised that the decision concerning the above-captioned matter has been rendered. I have included herein the Opinions which have been individually signed by the panel members.

It has been my position that the appropriate statutory time requirements for filing an action in State Court commence once each attorney receives a copy of the Opinion. I have forwarded a copy of this letter, together with the enclosures, to each attorney by certified mail. I will retain in my file the returned signature cards in the event the time period should come into question.

My services as Panel Chairman are, therefore, concluded.

Sincerely,



CHAIRMAN OF THE PANEL
G. Anthony Bertig

GAB/clb
Enclosure
cc: Attys.

BEFORE THE STATE OF INDIANA
DEPARTMENT OF INSURANCE

ALBERT TERPSTRA

vs

DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D.

The undersigned, the Chairman for the above-captioned Medical Review Panel, hereby attaches Exhibit A, Exhibit B and Exhibit C, which reflect the opinions of each of the panel members.

A handwritten signature in black ink, appearing to read "G. Anthony Bertig", written over a horizontal line.

G. Anthony Bertig, Chairman

Dated: September 5, 2025

EXHIBIT A

ALBERT TERPSTRA

vs

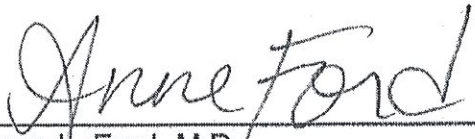
DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D.

OPINION

The undersigned panel member hereby renders the following opinion:

The evidence supports the conclusion that the defendants,
DAVID A. STEWART, M.D. and VSEVOLOD B. TIKHOMIROV, M.D.,
failed to comply with the appropriate standard of care as charged
in the complaint.

The conduct complained of was a factor of the resultant damages.



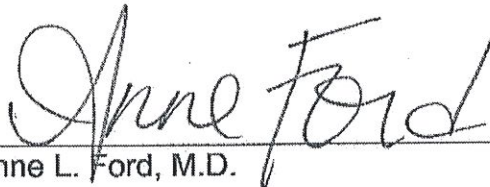
Anne L. Ford, M.D. 8/12/2025

ALBERT TERPSTRA
vs
DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D.

DETERMINATION OF MEDICAL REVIEW PANEL REQUIRED UNDER I.C. 34-18-9-4

The Medical Review Panel is of the unanimous opinion that the name(s) of the defendant(s) should not be forwarded to the appropriate Board of professional registration for review of fitness to practice.

Dated: 8/12/2025



Anne L. Ford, M.D.

ALBERT TERPSTRA

vs

DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D.

OATH

I (SWEAR) AFFIRM UNDER THE PENALTIES FOR PERJURY that I will well and truly consider the evidence submitted by the parties; that I will render my opinion without bias, based upon the evidence submitted by the parties, and that I have not and will not communicate with any party or representative of any party before rendering my opinion, except as authorized by law.

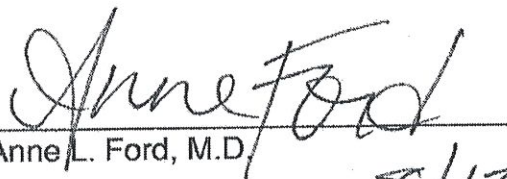

Anne L. Ford, M.D. 8/12/2025

EXHIBIT B

ALBERT TERPSTRA

vs

DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D.

OPINION

The undersigned panel member hereby renders the following opinion:

The evidence supports the conclusion that the defendants,
DAVID A. STEWART, M.D. and VSEVOLOD B. TIKHOMIROV, M.D.,
failed to comply with the appropriate standard of care as charged
in the complaint.

The conduct complained of was a factor of the resultant damages.



Michael J. Thomas, M.D.

ALBERT TERPSTRA

vs

DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D.

DETERMINATION OF MEDICAL REVIEW PANEL REQUIRED UNDER I.C. 34-18-9-4

The Medical Review Panel is of the unanimous opinion that the name(s) of the defendant(s) should not be forwarded to the appropriate Board of professional registration for review of fitness to practice.

Dated: 4 Sept 25

M J Thomas
Michael J. Thomas, M.D.


ALBERT TERPSTRA

vs

DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D.

OATH

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Michael J. Thomas, M.D.

EXHIBIT C

ALBERT TERPSTRA

vs

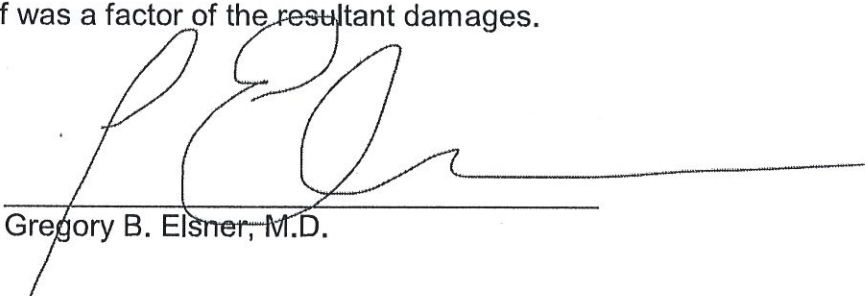
DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D.

OPINION

The undersigned panel member hereby renders the following opinion:

The evidence supports the conclusion that the defendants,
DAVID A. STEWART, M.D. and VSEVOLOD B. TIKHOMIROV, M.D.,
failed to comply with the appropriate standard of care as charged
in the complaint.

The conduct complained of was a factor of the resultant damages.



Gregory B. Elsner, M.D.

ALBERT TERPSTRA

VS

DAVID A. STEWART, M.D. and

VSEVOLOD B. TIKHOMIROV, M.D.

DETERMINATION OF MEDICAL REVIEW PANEL REQUIRED UNDER I.C. 34-18-9-4

The Medical Review Panel is of the unanimous opinion that the name(s) of the defendant(s) should not be forwarded to the appropriate Board of professional registration for review of fitness to practice.

Dated: 8/7/25



Gregory B. Elsner, M.D.

ALBERT TERPSTRA

vs

DAVID A. STEWART, M.D. and
VSEVOLOD B. TIKHOMIROV, M.D.

OATH

I (SWEAR) AFFIRM UNDER THE PENALTIES FOR PERJURY that I will well and truly consider the evidence submitted by the parties; that I will render my opinion without bias, based upon the evidence submitted by the parties, and that I have not and will not communicate with any party or representative of any party before rendering my opinion, except as authorized by law.



Gregory B. Elsner, M.D.

7/14/24