

**IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**

FILED

FEB 16 2016

ZACK WALLACE, CIRCUIT CLERK

BY _____ D.C.

PLAINTIFF

**CHOKWE ANTAR LUMUMBA, INDIVIDUALLY AND
ON BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF CHOKWE LUMUMBA**

VS.

CIVIL ACTION NO. 16-115

**ST. DOMINIC'S HOSPITAL; ST. DOMINIC'S
HOSPITAL SERVICES, INC.; NURUDEEN A.
SHEKONI; NORTH JACKSON MEDICAL CLINIC,
PLLC; HEATHER EVANS; AND JOHN DOES 1-10**

DEFENDANTS

**COMPLAINT
(Plaintiffs Demand Trial by Jury)**

Plaintiff, Chokwe Antar Lumumba, individually and on behalf of the all wrongful death beneficiaries of Chokwe Lumumba, deceased, ("Plaintiff") and files this Complaint against Defendants St. Dominic's Hospital, St. Dominic's Hospital Services, Inc., Dr. Nurudeen A. Shekoni, North Jackson Medical Clinic, P.L.L.C., and Dr. Heather Evans. In support thereof, Plaintiff states as follows:

PARTIES

1. Plaintiff Chokwe Antar Lumumba is a resident of Hinds County, Mississippi. Chokwe Lumumba is the son of Chokwe Lumumba, deceased.

2. Defendant St. Dominic's Hospital is a non-profit corporation as a hospital and provider of healthcare services. St. Dominic's Hospital may be served with process by delivering summons to its registered agent, Mary Dorothea Sondgeroth, at 969 Lakeland Drive Jackson, Mississippi 39216.

3. Defendant St. Dominic's Health Services, Inc., is a non-profit corporation as an emergency hospital and provider of healthcare services – and is associated with St. Dominic's

Hospital. St. Dominic's Health Services, Inc., may be served with process by delivering summons to St. Dominic's registered agent, Claude W. Harbarger, at 969 Lakeland Drive Jackson, Mississippi 39216.

4. Defendant Nurudeen A. Shekoni, M.D. is an employee of North Jackson Medical Clinic P.L.L.C., and may be served with process at his usual place of business at 5160 Galaxie Dr. Jackson, MS 39206.

5. Defendant North Jackson Medical Clinic P.L.L.C., is a Limited Liability Company and provider of healthcare services. North Jackson Medical Clinic P.L.L.C. may be served thru their registered agent Nurundeen A. Shekoni, M.D. at 5160 Galaxie Dr. Jackson, MS 39206.

6. Defendant Heather Evans, M.D. is an employee and/or agent of St. Dominic's Hospital and may be served with process at his usual place of business at 969 Lakeland Drive Jackson, Mississippi 39216.

7. Defendant John Does 1-5 are the LPN'S, RN'S, health care providers and employees of St. Dominic's Hospital who were responsible for the care and treatment of Chokwe Lumumba.

8. Defendants John Does 6-10 are those persons and/or entities whose identities are currently unknown to Plaintiffs and who were responsible for the medical care of Chokwe Lumumba. These persons and/or entities include but are not limited to the nursing staff, treating physicians, assistants, technicians, and other medical personnel whose responsibilities included treating, monitoring, and/or providing medical care to Chokwe Lumumba.

JURISDICTION AND VENUE

9. The court has subject matter jurisdiction over this matter and venue is proper in Hinds County, Mississippi pursuant to § 11-46-13 of the Mississippi Code.

FACTS

10. On or about February 25, 2014 at 9:00am Chokwe Lumumba checked into St. Dominic's Emergency Room – which is owned and operated by Defendants St. Dominic's Hospital and St. Dominic's Health Services, Inc. (Collectively St. Dominic's).

11. Chokwe Lumumba expressed to St. Dominic's staff, employees, and physicians that he was suffering from chest pains. More specifically, Mr. Lumumba expressed to St. Dominic's, St. Dominic's employees, and the Doctors he believed he was having a heart attack.

12. At the time Chokwe Lumumba checked into St. Dominic's. St. Dominic's was aware of Mr. Lumumba's medical history because he had previously been a patient at St. Dominic's. At the time Chokwe Lumumba checked into the Hospital, St. Dominic's knew or should have known because of prior medical treatment, he was a high risk candidate for a heart attack.

13. Chokwe Lumumba was in St. Dominic's care from around 9:00 a.m. until he passed away around 5:00 p.m. that afternoon. While Mr. Lumumba was in St. Dominic's custody, its employees, the Hospital's staff and physicians, failed and/or refused to conduct any test(s) to diagnose a heart attack or treat a heart attack. Mr. Lumumba ultimately died as a result of St. Dominic's and others failures to properly diagnose and test.

14. The cardiologist advised Mr. Lumumba he needed a blood transfusion. The cardiologist did not do any test or diagnosis to determine if Mr. Lumumba was suffering from a heart attack. The cardiologist did not treat Mr. Lumumba for a heart attack.

15. St. Dominic's staff and employees, as well as Dr. Evans and Dr. Shekoni (physician Defendants) amongst other things - failed to review Mr. Lumumba's medical records from his previous visits at St. Dominic's Hospital. failed to check for an aortic aneurism, and failed to conduct any test to diagnose a heart attack. These Defendants did nothing to diagnose

or treat a cardiac issue. Further, upon information and belief, Mr. Lumumba was not provided any medical attention hours until hours after he initially arrived at St. Dominic's at 9:00am that morning. Mr. Lumumba received medical treatment that was below the standard of care for a hospital or doctor.

16. As a result of St. Dominic's and the treating physician's failure to properly diagnose and treat Mr. Lumumba, Mr. Lumumba died of a heart attack. The act(s) and/or omission(s) of the above-referenced physicians as well as the above referenced employees and staff of St. Dominic and other employees and staff of St. Dominic caused and/or exacerbated the condition and untimely death of Chokwe Lumumba. Based upon information and belief that Mr. Lumumba's death was directly and proximately caused by the act(s) and/or omission(s) of these defendants, Plaintiff is prepared to show by the appropriate standard of proof that these defendants breached the standard of care owed to Chokwe Lumumba, deceased. As a result of the act(s) and/or omission(s), Mr. Lumumba sustained conscience pain and suffering, loss of enjoyment of life, economic as well as other non-economic damages. The extent of the injury includes the aforementioned elements as well as death. As a proximate cause of the breach of this standard of care, Chokwe Antar Lumumba, Rukia Lumumba, as well as the heirs and beneficiaries of Chokwe Lumumba, deceased, seek damages for sustained physical pain, severe emotional distress, psychological distress, mental anguish, loss of enjoyment of life, conscience pain and suffering, wrongful death, economic damages (of all kinds), non-economic damages (of all kinds), funeral expenses, medical expenses and other damages as a result of this incident.

CLAIMS FOR RELIEF

Negligence

17. Plaintiff hereby re-alleges and incorporates by referencing the allegations in each preceding paragraph.

18. The acts and omissions of employees, agents, and physicians of St. Dominic's Hospital, Nurudeen A. Shekoni, M.D. and Heather Evans, M.D. are attributable to the aforementioned Defendants.

19. Defendants were imposed with non-delegable duties related to the care, treatment, and provision of medical care to Chokwe Lumumba, including but not limited to, to provide minimally competent healthcare treatment, diagnoses, and prognosis with regard to his health and physical wellbeing.

20. Physician Defendants owed to Mr. Lumumba a duty to exercise that standard of care required of a minimally qualified physician practicing in a hospital with the same or substantially the same medical resources as were available at St. Dominic's Hospital. Physician Defendants breached that duty of care.

21. St. Dominic's Hospital, through its employees, agents, doctors, nurses, and/or medical staff, breached the standard of care by failing to check for an aortic aneurism, failing to conduct any test for a heart attack, failing to adequately review Mr. Lumumba's previous medical records, failing to provide adequate medical treatment, failing to make proper medical diagnosis, failing to provide timely medical care, failing to provide appropriate medical facilities, and other actions or inactions. Additionally, St. Dominic's Hospital, their employees, agents and consultants, includes, but is not limited to, one or more of the following acts and omissions:

- a) The failure to provide a requisite number of staff necessary to assist the patients with their needs;
- b) The failure to provide sufficient numbers of qualified personnel, including nurses, licensed practical nurses, certified nurse assistants, and medication aides, and the

nursing staff (hereinafter "nursing personnel") to meet the total needs of Mr. Lumumba.

- c) The failure to provide nursing personnel sufficient in number to ensure that Mr. Lumumba attained and maintained his highest level of physical, mental and psychosocial well-being;
- d) The failure to adequately assess, evaluate and supervise nursing personnel so as to ensure that Mr. Lumumba received appropriate nursing care, in accordance with Defendants' policy and procedures manual, and the statutorily mandated regulations implemented by the Mississippi Department of Health and its agents, including the Division of Health Facilities Licensure and Certification;
- e) The failure to provide a nursing staff that was properly staffed, qualified, and trained; and
- f) Other acts to be shown at trial.

22. Dr. Heather Evans and Dr. Nurudeen A. Shekoni breached the standard of care by failing to check for an aortic aneurism, failing to conduct any test for a heart attack, failing to adequately review Mr. Lumumba's previous medical records, failing to provide adequate medical treatment, failing to make proper medical diagnosis, failing to treat Mr. Lumumba's heart attack and other actions or inactions.

Gross Negligence

23. Plaintiff hereby re-alleges and incorporates by referencing the allegations in each preceding paragraph.

24. Defendants herein acted in a reckless and/or willful and wanton manner, in gross disregard for the rights and safety of Mr. Lumumba, and this gross misconduct constituted a reckless indifference to the consequences of said acts so as to give rise to an assessment of

punitive damages. The longevity, scope and severity of Defendants' failures and actions as heretofore described constitute gross negligence. Specifically, such conduct was undertaken by Defendants without regard to the health and safety consequences to those patients, such as Mr. Lumumba, entrusted to their care. Moreover, such conduct evidences such little regard for their duties of care, good faith, and fidelity owed to Mr. Lumumba.

25. As a direct and proximate result of the above cited malice, gross negligence which evidences a willful, wanton or reckless disregard for the safety of others, Mr. Lumumba suffered injuries which lead to his death. She also suffered extreme pain, suffering, mental anguish, embarrassment, and fright, all of which required hospitalization and medical treatment, and all of which required Mr. Lumumba to incur significant hospital and medical expenses and resulted in his death.

26. Wherefore, based on such conduct of Defendants as set out above, Plaintiff asserts a claim for judgment for all compensatory damages and punitive damages against Defendants including, but not limited to, medical expenses, physical pain, suffering, mental anguish, disability, loss of enjoyment of life, humiliation, fright and disfigurement in an amount to be determined by the jury, plus costs and all other relief to which Plaintiff asserts are entitled by law.

Medical Malpractice

27. Plaintiff hereby re-alleges and incorporates by referencing the allegations in each preceding paragraph.

28. Defendant St. Dominic's Hospital owed a duty to patients, including Chokwe Lumumba, to hire, train, and supervise employees so that such employees delivered care and services to patients in a safe and beneficial manner.

29. Defendants' employees owed a duty to patients, including Chokwe Lumumba, to render care and services as a reasonably prudent and similarly situated employee would render, including, but not limited to, rendering care and services in a safe and beneficial manner.

30. Defendants owed a duty to assist all patients, including Mr. Lumumba, in attaining and maintaining the highest level of physical, mental, and psychosocial well-being.

31. Defendants' conduct in breaching the duties owed to Mr. Lumumba was negligent, grossly negligent, willful, wanton, malicious and reckless.

32. As a direct and proximate result of such negligent, grossly negligent, reckless, wanton, and malicious conduct, Mr. Lumumba suffered injuries which lead to his death.

33. Dr. Heather Evans and Dr. Nurudeen A. Shekoni breached the standard of care by failing to check for an aortic aneurism, failing to conduct any test for a heart attack, failing to adequately review Mr. Lumumba's previous medical records, failing to provide adequate medical treatment, failing to make proper medical diagnosis, failing to treat Mr. Lumumba's heart attack and other actions or inactions.

34. Wherefore, based on such conduct of Defendants as set forth above, Plaintiff asserts a claim for judgment for all compensatory damages and punitive damages against Defendants including, but not limited to, medical expenses, physical pain, suffering, mental anguish, disability, disfigurement, loss of enjoyment of life, humiliation, and fright in an amount to be determined by the jury, plus costs and all other relief to which Plaintiff asserts are entitled by law.

Breach of Fiduciary Duty

35. Plaintiff hereby re-alleges and incorporates by referencing the allegations in each preceding paragraph.

36. As a patient of the Defendants' facility, Mr. Lumumba was particularly dependent for his daily care and well-being upon the Defendants, their employees and agents. Because of the nature of this dependency and the representations of the Defendants that they could and would provide necessary care, Mr. Lumumba and his family held in the Defendants a special confidence and trust which the Defendants accepted by admitting Mr. Lumumba to their facility, and by determining the level of care to be provided to Mr. Lumumba .

37. Mr. Lumumba and his family relied upon the alleged superior knowledge, skill, and abilities of the Defendants, which the Defendants held themselves out to have. Also, Mr. Lumumba and his family relied on the Defendants to provide care for Mr. Lumumba who was not able to care for himself at the time. The Defendants breached their fiduciary duty and duty of good faith and fair dealing to Mr. Lumumba by failing to provide the appropriate level of care and services to which Mr. Lumumba was entitled, by accepting payment for services and care not provided to Mr. Lumumba.

38. As a proximate cause of the foregoing breaches of duty by the Defendants, Mr. Lumumba suffered injuries as set forth above.

39. Wherefore, based on such conduct of Defendants as set out above, Plaintiff asserts a claim for judgment for all compensatory damages and punitive damages against Defendants including, but not limited to, medical expenses, physical pain, suffering, mental anguish, disability, loss of enjoyment of life, humiliation, fright and disfigurement in an amount to be determined by the jury, plus costs and all other relief to which Plaintiff is entitled by law. Plaintiff also seeks the imposition of a constructive trust on all wrongful profits and proceeds arising out of Defendants' breach of fiduciary duty to Mr. Lumumba.

Reckless Disregard for Human Life

40. Plaintiff hereby re-alleges and incorporates by referencing the allegations in each preceding paragraph.

41. The act(s) and/or omission(s) of these Defendants and Officer constitute a reckless disregard for the rights and safety of the Plaintiff herein. Further, these act(s) and/or omission(s) were perpetrated with such callousness that a reasonable person can certainly conclude that these act(s) and/or omission(s) were carried out without any regard as to their effects. Therefore, the act(s) and/or omission(s) constitute a reckless disregard for the rights and safety of the Plaintiff as defined under Mississippi law

42. The act(s) and/or omission(s) of these Defendants were a proximate cause as to the injuries and damages sustained by Plaintiff.

Statutory Survival Claim

43. Plaintiff hereby re-alleges and incorporates by referencing the allegations in each preceding paragraph.

44. As a direct and proximate result of the negligence, malice, gross negligence which evidences a willful, wanton or reckless disregard for the safety of Mr. Lumumba, Mr. Lumumba suffered injuries. These injuries required hospitalization and medical treatment. The hospitalization required Mr. Lumumba to incur significant hospital and medical expenses. Ultimately, these conditions resulted in Mr. Lumumba's death.

45. As a direct, natural and proximate result of the negligence, malice, gross negligence which evidences a willful, wanton or reckless disregard for the safety of others, Mr. Lumumba died, thereby incurring funeral, burial and other related expenses.

46. Wherefore, based on such conduct of Defendants as set out above, Plaintiff asserts a claim for judgment for all compensatory damages and punitive damages for Mr.

Lumumba 's death arising out of said conduct including, but not limited to hospital, medical, funeral, burial, costs of administration of Mr. Lumumba 's Estate, and other related expenses incurred by or for Mr. Lumumba's as a result of the wrongful acts and omissions of Defendants, heretofore described, all in an amount to be determined by the jury, plus costs and all other relief to which Plaintiff asserts are entitled by law.

Statutory Wrongful Death Claim

47. Plaintiff hereby re-alleges and incorporates by referencing the allegations in each preceding paragraph.

48. As a direct, natural and proximate result of the negligence, malpractice, malice, gross negligence which evidences a willful, wanton or reckless disregard for the safety of others, and any other claim for relief - Mr. Lumumba died thereby incurring funeral, burial and other related expenses.

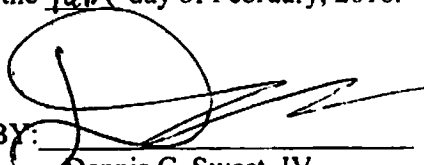
49. As a result of the death of Mr. Lumumba, the wrongful death beneficiaries suffered loss of consortium, attention, guidance, care, protection, training, companionship, compassion, affection, and love.

50. Wherefore, based on such conduct of Defendants as set out above, Plaintiff asserts a claim for judgment for all compensatory damages and punitive damages against Defendants including but not limited to Mr. Lumumba's physical pain, suffering, mental anguish, disfigurement, loss of enjoyment of life, humiliation, and fright in an amount to be determined by the jury, plus costs and all other relief to which Plaintiff asserts are entitled by law. Additionally, based on such conduct, Plaintiff asserts a claim for judgment for all compensatory damages and punitive damages against Defendants based on the damages sustained by the wrongful death beneficiaries as a result of the loss of a personal relationship with Mr. Lumumba , including but not limited to loss of support, companionship, consortium, attention, guidance, care, protection,

training, compassion, affection, and love, in an amount to be determined by the jury, plus costs and all other relief to which Plaintiff asserts are entitled by law.

WHEREFORE PREMISES CONSIDERED, Plaintiff demands a trial by jury and requests judgment against all defendants: St. Dominic's Hospital, St. Dominic's Health Care Services Inc., Dr. Nurudcen A. Shekoni, and Dr. Heather Evans and John Does 1-10, jointly and/or severally, and for compensatory, incidental, and consequential damages, including but not limited to damages for the pain and suffering of Mr. Lumumba caused by his misdiagnosis and failure to receive appropriate treatment, as well as his pain and suffering incurred as a result of inadequate medical treatment that ultimately resulted in his death, any loss of income, any medical expenses due to the misdiagnosis and subsequent mistreatment, funeral expenses, loss of enjoyment of life, loss of love, society, and companionship, mental anguish, and hedonic damages. Plaintiff requests that the court assess all costs and expenses against defendants and award plaintiff such other relief as the court deems just.

RESPECTFULLY SUBMITTED this the 16th day of February, 2016.

BY: 
Dennis C. Sweet, IV

OF COUNSEL:

Dennis C. Sweet, III (MSB#8105)
Dennis C. Sweet, IV (MSB#103009)
SWEET & ASSOCIATES
158 E. Pascagoula Street
Jackson, MS 39201
Ph. 601.965.8700
Fx. 601.965.8719

**IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**

**CHOKWE ANTAR LUMUMBA, INDIVIDUALLY AND
ON BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF CHOKWE LUMUMBA**

PLAINTIFF

VS.

CIVIL ACTION NO.

**ST. DOMINIC'S HOSPITAL; ST. DOMINIC'S
HOSPITAL SERVICES, INC.; NURUDEEN A.
SHEKONI; NORTH JACKSON MEDICAL CLINIC,
PLLC; HEATHER EVANS; AND JOHN DOES 1-10**

DEFENDANTS


CERTIFICATE OF CONSULTATION

COMES NOW the undersigned Plaintiff's attorney, and certifies, according to Miss. Code. Ann. §11-1-58, that the attorneys in this matter have reviewed the facts of this case and has consulted with an expert who is qualified pursuant to the Mississippi Rules of Civil Procedure and the Mississippi Rules of Evidence, and who is qualified to give expert testimony as to the standard of care or negligence, medical malpractice, and is knowledgeable in the relevant issues involved in this matter.

Therefore, on the basis of such consultation and review, the undersigned attorney has concluded that there is a reasonable basis for the commencement of this action against these named Defendants.

This Certificate is attached as Exhibit "A" to the Complaint filed in this matter.

So Certified and submitted this the 14th day of February, 2016.

By: 
Dennis C. Sweet, IV
Dennis C. Sweet, III



Of Counsel:

SWEET & ASSOCIATES
Dennis C. Sweet, IV
Dennis C. Sweet, III
Terris Harris
158 E. Pascagoula Street
Jackson, Mississippi 39201
Phone: (601) 965-8700