

**IN THE COURT OF COMMON PLEAS FOR FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

MICHAEL A TOUPONCE, SR.,
7630 State Route 19
Mt. Gilead, Ohio 43338

-and-

MARYANN TOUPONCE
7630 State Route 19
Mt. Gilead, Ohio 43338

Plaintiffs,

-VS-

RONALD J. DORBISH, JR., DO
OhioHealth Physician Group
c/o OhioHealth Physician Group, Inc.
3430 OhioHealth Parkway
Columbus, Ohio 43202

-and-

OMAR AHMAD BADAWI, MD
COPC Hospitalists Services, LLC
c/o COPC
655 Africa Road
Westerville, Ohio 43082

-and-

KIMBERLY MARIE MORTON, MD
COPC Hospitalists Services, LLC
c/o COPC
655 Africa Road
Westerville, Ohio 43082

Case No. _____

JUDGE _____

PLAINTIFF'S COMPLAINT
(JURY DEMAND
ENDORSED HEREON)

-and-

SWETHA R. SINGH, MD
COPC Hospitalists Services, LLC
c/o COPC
655 Africa Road
Westerville, Ohio 43082

-and-

VENKATESH CHURRAVURI, MD
COPC Hospitalists Services, LLC
c/o COPC
655 Africa Road
Westerville, Ohio 43082

-and-

JOHN ALEXANDER BACH, MD
Riverside Surgical Associates, Inc.
c/o John D. Leff
3545 Olentangy River Road #525
Columbus, Ohio 43214

-and-

ALEXIS SCHWEIBINZ, MD
Riverside Methodist Hospital
c/o OhioHealth Corporation
3430 OhioHealth Parkway
Columbus, Ohio 43202

-and-

NATHAN J. WILLIAMS, MD
Riverside Methodist Hospital
c/o OhioHealth Corporation
3430 OhioHealth Parkway
Columbus, Ohio 43202

-and-

KRISTEN DENISE ANDERSON, PA-C :
OhioHealth Physician Group :
c/o OhioHealth Physician Group, Inc. :
3430 OhioHealth Parkway :
Columbus, Ohio 43202 :

-and- :

OHIOHEALTH PHYSICIAN GROUP :
c/o OhioHealth Physician Group, Inc. :
3430 OhioHealth Parkway :
Columbus, Ohio 43202 :

-and- :

COPC HOSPITALISTS SERVICES, LLC :
c/o COPC :
655 Africa Road :
Westerville, Ohio 43082 :

-and- :

RIVERSIDE METHODIST HOSPITAL :
c/o OhioHealth Corporation :
3430 OhioHealth Parkway :
Columbus, Ohio 43202 :

-and- :

RIVERSIDE SURGICAL ASSOCIATES, INC. :
c/o John D. Leff :
3545 Olentangy River Road #525 :
Columbus, Ohio 43214 :

Defendants. :

Plaintiffs Michael A. Touponce, Sr., and Maryann Touponce state that this matter was voluntarily dismissed, without prejudice, pursuant to Rule 41(A) of the Ohio Rules of Civil Procedure in the Franklin County, Ohio Court of Common Pleas Case Number 23-CV-8832 on October 7, 2024. Pursuant to the Savings Clause set forth in the Ohio Revised Code §

2305.19(A), this matter is now being refiled. Now, Plaintiffs Michael A. Touponce, Sr. and Maryann Touponce, by and through counsel, and for their refiled Complaint against the above-named Defendants, do hereby state, allege, and aver as follows:

PARTIES, VENUE AND JURISDICTION

1. Plaintiff Michael A. Touponce, Sr., (hereinafter referred to as “Plaintiff Michael A. Touponce”) is an individual who resides in the County of Morrow and State of Ohio and at all times mentioned herein is married to Plaintiff Maryann Touponce.

2. Plaintiff Maryann Touponce is an individual who resides with Plaintiff Michael A. Touponce in the County of Morrow and State of Ohio and at all times mentioned herein is married to Plaintiff Michael A. Touponce.

3. Defendant Ronald J. Dorbish, Jr., DO is a physician licensed to practice medicine in the State of Ohio and delivers medical care to the public for consideration. During all times relevant herein, Defendant Ronald J. Dorbish, Jr., DO was an employee and/or agent of OhioHealth Physician Group and was acting within the scope and course of his employment providing medical services to Plaintiff Michael A. Touponce.

4. Defendant Omar Ahmad Badawi MD is a physician licensed to practice medicine in the State of Ohio and delivers medical care to the public for consideration. At all times mentioned herein, Defendant Omar Ahmad Badawi MD was an employee and/or agent of COPC Hospitalists and was acting within the scope and course of his employment providing medical services to Plaintiff Michael A. Touponce.

5. Defendant Kimberly Marie Morton MD is a physician licensed to practice medicine in the State of Ohio and delivers medical care to the public for consideration. During all times relevant herein, Defendant Kimberly Marie Morton MD was an employee and/or agent of COPC

Hospitalists and was acting within the scope and course of his employment providing medical services to Plaintiff Michael A. Touponce.

6. Defendant Swetha R. Singh MD is a physician licensed to practice medicine in the State of Ohio and delivers medical care to the public for consideration. During all times relevant herein, Defendant Swetha R. Singh MD was an employee and/or agent of COPC Hospitalists and was acting within the scope and course of his employment providing medical services to Plaintiff Michael A. Touponce.

7. Defendant Venkatesh Chirravuri MD is a physician licensed to practice medicine in the State of Ohio and delivers medical care to the public for consideration. During all times relevant herein, Defendant Venkatesh Chirravuri MD was an employee and/or agent of COPC Hospitalists and was acting within the scope and course of his employment providing medical services to Plaintiff Michael A. Touponce.

8. Defendant John Alexander Bach MD is a physician licensed to practice medicine in the State of Ohio and delivers medical care to the public for consideration. During all times relevant herein, Defendant John Alexander Bach MD was an employee and/or agent of Riverside Surgical Associates, Inc. and was acting within the scope and course of his employment providing medical services to Plaintiff Michael A. Touponce.

9. Defendant Alexis Schweibinz MD is a physician licensed to practice medicine in the State of Ohio and delivers medical care to the public for consideration. During all times relevant herein, Defendant Alexis Schweibinz MD was an employee and/or agent of OhioHealth Riverside Methodist Hospital and was acting within the scope and course of his employment providing medical services to Plaintiff Michael A. Touponce.

10. Defendant Nathan J. Williams MD is a physician licensed to practice medicine in the State of Ohio and delivers medical care to the public for consideration. During all times relevant herein, Defendant Nathan J. Williams MD was an employee and/or agent of OhioHealth Riverside Methodist Hospital and was acting within the scope and course of his employment providing medical services to Plaintiff Michael A. Touponce.

11. Defendant Kristen Denise Anderson PA-C is a physician assistant licensed to practice medicine in the State of Ohio and delivers medical care to the public for consideration. During all times relevant herein, Kristen Denise Anderson PA-C was an employee and/or agent of OhioHealth Physician Group and was acting within the scope and course of her employment providing medical services to Plaintiff Michael A. Touponce.

12. Defendant OhioHealth Physician Group is a business licensed under the laws of the State of Ohio to conduct business in the State of Ohio and supplies hospitalists to work in OhioHealth hospitals.

13. Defendant COPC Hospitalists Services, LLC is a business licensed under the laws of the State of Ohio to conduct business in the State of Ohio and supplies hospitalists to work in OhioHealth hospitals.

14. Defendant Riverside Methodist Hospital is a hospital licensed under the laws of the State of Ohio conducting business from its principal place of business at 3535 Olentangy River Road Columbus, Ohio 43214.

15. Defendant Riverside Surgical Associates, Inc. is a business licensed under the laws of the State of Ohio to conduct business in the State of Ohio and supplies hospitalists to work in OhioHealth hospitals.

16. Jurisdiction and Venue are proper in this Court because Franklin County, Ohio is the County in which Defendants have their principal place of business and the County where each Defendant provided medical services to Plaintiff Michael A. Touponce.

17. Plaintiffs' claims individually are in excess of Twenty-Five Thousand Dollars (\$25,000.00) exclusive of interest and costs.

FACTS

18. Plaintiffs reincorporate each and every allegation contained in Paragraphs One (1) through Seventeen (17) above as if expressly rewritten herein.

19. Plaintiff Michael A. Touponce was a sixty-two-year-old (62) gentleman who presented himself to Defendant Ronald J. Dorbish, Jr., DO on May 19, 2022 for a surgical consultation regarding bilateral thigh and low back pain.

20. Upon examination, Defendant Ronald J. Dorbish, Jr., DO found that Plaintiff Michael A. Touponce had spinal stenosis, lumbar region without neurogenic claudication and spinal instability. This would involve surgical intervention extending Plaintiff Michael A. Touponce's prior spinal fusion up to L2-L3.

21. Defendant Ronald J. Dorbish, Jr., DO scheduled Plaintiff Michael A. Touponce for surgery on December 12, 2022 at Riverside Methodist Hospital located in Columbus, Ohio with Dr. Ronald J. Dorbish, Jr., DO doing the surgery and Defendant Kristen Denise Anderson PA-C assisting.

22. Plaintiff Michael A. Touponce had surgery performed by Defendant Ronald J. Dorbish, Jr., DO that day and he remained in the hospital to recuperate from the surgery until December 17, 2022.

23. During the spinal surgery performed by Defendant Ronald J. Dorbish, Jr., DO on December 12, 2022, Defendant Ronald J. Dorbish, Jr., DO carelessly and negligently perforated Plaintiff Michael A. Touponce's colon, which remained undiagnosed during his hospital stay.

24. Plaintiff Michael A. Touponce remained in the hospital for five (5) days due to an extended stay and then was discharged. During his hospital stay, he was experiencing bowel problems, abdominal pain, the inability to have bowel movements, persistent abdominal distension, firmness, and elevated white blood cell counts.

25. Plaintiff Michael A. Touponce was discharged, while still having undiagnosed abdominal problems on December 17, 2022.

26. Two days after his discharge from Riverside Methodist Hospital, Michael A. Touponce presented himself to the Emergency Department at OhioHealth Mansfield Hospital where they performed a life-saving exploratory laparotomy with right colectomy and removal of terminal ileum and diverting loop ileostomy.

27. The post-surgery diagnosis revealed perforated hepatic flexure of the colon with gross stool peritonitis (POA).

28. Two (2) days later on December 21, 2022, Plaintiff Michael A. Touponce required a second surgery consisting of laparotomy, with small bowel resection and ileostomy take down.

29. Two (2) further medical interventions were necessary on December 29, 2022 and December 30, 2022 to drain the peritoneal abscess.

30. Plaintiff Michael A. Touponce was finally discharged from OhioHealth Mansfield Hospital on January 10, 2023.

FIRST CLAIM
Medical Malpractice / Negligence

31. Plaintiffs reincorporate each and every allegation contained in Paragraphs One (1) through Thirty (30) above as if expressly rewritten herein.

32. Dr. Ronald J. Dorbish, Jr., DO departed from the standard of care by carelessly and negligently perforating Michael A. Touponce's colon during the 12/12/22 lumbar spine procedure at Riverside Methodist Hospital and by failing to obtain valid informed consent from Plaintiff Michael A. Touponce for said procedure.

33. Defendant Dr. Ronald J. Dorbish, Jr., DO of OhioHealth Physician Group, Central Ohio Primary Care (COPC) Hospitalists, including, but not limited to, Defendant Omar Ahmad Badawi MD, Defendant Kimberly Marie Morton MD, Defendant Swetha R. Singh MD, and Venkatesh Chirravuri MD; general surgeon Dr. John Alexander Bach MD of Riverside Surgical Associates; the surgical residents, including, but not limited to, Alexis Schweibinz MD, and Nathan J. Williams MD, both of Riverside Methodist Hospital; and Kristin Denise Anderson PA of OhioHealth Physician Group, collectively and individually, departed from the standard of care, skill, and diligence for healthcare providers in similar communities in the care and treatment of Plaintiff Michael A. Touponce from 12/12/22 through 12/17/22 by failing to heed the signs and symptoms of persistent abdominal distension, pain, firmness and elevated WBC counts indicative of a brewing septic intrabdominal process; by failing to order a CT scan of the abdomen; by failing to maintain the requisite index of suspicion by administering contraindicated enemas; and by negligently discharging Plaintiff from the hospital with an undiagnosed and untreated bowel perforation and evolving peritonitis.

34. As a direct and proximate result of the joint and several negligence of the Defendants and their respective agent, servants, and employees, and their departures from accepted standards

of medical care, Plaintiff Michael A. Touponce had to have additional surgical procedures as outlined above at OhioHealth Mansfield Hospital necessitating a hospital stay from December 19, 2022 to January 10, 2023. Plaintiff Michael A. Touponce sustained great permanent personal injuries including, but not limited to, abdominal pain; has endured great pain, suffering, mental anguish, and severe emotional distress; has required medical care and has incurred medical care expenses; has been limited in his ability to perform his daily activities; has a permanent loss of wages; and has suffered a loss of the enjoyment of life. Further, due to the permanency of Plaintiff Michael A. Touponce's injuries, he may require future medical care and may incur future medical care costs; he will continue to endure great pain, suffering, mental anguish, and severe emotional distress in the future; he will have a permanent diminished ability to perform his activities of daily living in the future; he will suffer from a future diminished earning capacity; and he will suffer a loss of the enjoyment of life in the future, all to his great monetary damage.

SECOND CLAIM

Respondent Superior / Agency Estoppel

35. Plaintiffs reincorporate each and every allegation contained in Paragraphs One (1) through Thirty-Four (34) above as if expressly rewritten herein.

36. At the time of the aforementioned negligence, Defendant OhioHealth Physician Group was the employer of Defendant Ronald A. Dorbish, Jr., DO and Defendant Kristen Denise Anderson PA-C.

37. At the time of the aforementioned negligence, Defendants Ronald A. Dorbish, Jr., DO and Kristen Denise Anderson PA-C were acting in the scope of their employment with the Defendant OhioHealth Physician Group.

38. Pursuant to the doctrine of Respondeat Superior, Defendant OhioHealth Physician Group is responsible and liable for the negligence and/or recklessness of its employees, Defendant Ronald A. Dorbish, Jr., DO and Defendant Kristen Denise Anderson PA-C which has caused Plaintiff Michael A. Touponce's injuries and damages as outlined above.

39. Pursuant to the doctrine of Agency Estoppel, Defendant OhioHealth Physician Group is liable for Plaintiff Michael A. Touponce's injuries and damages as outlined above.

40. At the time of the aforementioned negligence, Defendant COPC Hospitalists Services, LLC was the employer of Defendants Omar Ahmad Badawi MD, Kimberly Marie Morton MD, Swetha R. Singh MD, and Venkatesh Churravuri MD.

41. At the time of the aforementioned negligence, Defendants Omar Ahmad Badawi MD, Kimberly Marie Morton MD, Swetha R. Singh MD, and Venkatesh Churravuri MD were acting in the scope of their employment with the Defendant COPC Hospitalists Services, LLC.

42. Pursuant to the doctrine of Respondeat Superior, Defendant COPC Hospitalists Services, LLC is responsible and liable for the negligence and/or recklessness of its employees, Defendants Omar Ahmad Badawi MD, Kimberly Marie Morton MD, Swetha R. Singh MD, and Venkatesh Churravuri MD which has caused Plaintiff Michael A. Touponce's injuries and damages as outlined above.

43. Pursuant to the doctrine of Agency Estoppel, Defendant COPC Hospitalists Services, LLC is liable for Plaintiff Michael A. Touponce's injuries and damages as outlined above.

44. At the time of the aforementioned negligence, Defendant Riverside Methodist Hospital was the employer of Defendants Alexis Schweibinz MD and Nathan J. Williams MD.

45. At the time of the aforementioned negligence, Defendants Alexis Schweibinz MD and Nathan J. Williams MD were acting in the scope of their employment with Defendant Riverside Methodist Hospital.

46. Pursuant to the doctrine of Respondeat Superior, Defendant Riverside Methodist Hospital is responsible and liable for the negligence and/or recklessness of its employees, Defendants Alexis Schweibinz MD and Nathan J. Williams MD which has caused Plaintiff Michael A. Touponce's injuries and damages as outlined above.

47. Pursuant to the doctrine of Agency Estoppel, Defendant Riverside Methodist Hospital is liable for Plaintiff Michael A. Touponce's injuries and damages as outlined above.

48. At the time of the aforementioned negligence, Defendant Riverside Surgical Associates, Inc. was the employer of Defendant John Alexander Bach MD.

49. At the time of the aforementioned negligence, Defendant John Alexander Bach MD was acting in the scope of his employment with Defendant Riverside Surgical Associates, Inc.

50. Pursuant to the doctrine of Respondeat Superior, Defendant Riverside Surgical Associates, Inc. is responsible and liable for the negligence and/or recklessness of its employee, John Alexander Bach MD which was caused Plaintiff Michael A. Touponce's injuries and damages as outlined above.

51. Pursuant to the doctrine of Agency Estoppel, Defendant Riverside Surgical Associates, Inc. is liable for Plaintiff Michael A. Touponce's injuries and damages as outlined above.

52. Dr. Ronald J. Dorbish, Jr., DO departed from the standard of care by carelessly and negligently perforating Michael A. Touponce's colon during the 12/12/22 lumbar spine

procedure at Riverside Methodist Hospital and by failing to obtain valid informed consent from Plaintiff Michael A. Touponce for said procedure.

THIRD CLAIM

Loss of Consortium of Plaintiff Maryann Touponce (Wife of Michael A. Touponce)

53. Plaintiffs reincorporate each and every allegation contained in Paragraphs One (1) through Fifty-Two (52) above as if expressly rewritten herein.

54. Plaintiff Maryann Touponce is the wife of Michael A. Touponce and as a direct and proximate result of the carelessness and negligence of each and every Defendant as described herein above and the ensuing injuries and damages to Plaintiff Michael A. Touponce, Plaintiff Maryann Touponce has lost services, consortium, society, and support of her husband and will continue to suffer the loss of services and consortium of her husband in the future.

AFFIDAVIT OF MERIT

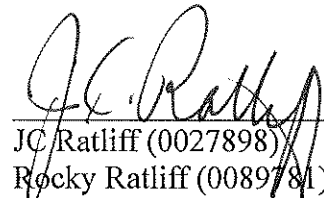
Pursuant to ORC 2323.451 and Rule 10(D)(2)(a) of the Ohio Rules of Civil Procedure, an Affidavit of Merit from a medical expert, Dr. David Mayer, M.D., D.A.B.S., F.I.C.S., is attached hereto as "Exhibit A" and is incorporated by reference herein.

WHEREFORE, the Plaintiffs Michael A. Touponce and Maryann Touponce pray for judgment against the Defendants jointly and severally for a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) for compensatory damages each, as well as attorney fees and such other damages that are reasonable as well as court costs and such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiffs Michael A. Touponce and Maryann Touponce demand that all claims be decided by a jury.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JC Ratliff", is written over a horizontal line.

JC Ratliff (0027898)

Rocky Ratliff (0089781)

Nicholas A. Barons (0101392)

Counsel for Plaintiffs

RATLIFF LAW OFFICES

200 West Center Street

Marion, Ohio 43302

T: 740-383-6023 F: 740-383-2066

Email: attorney.ratliff@gmail.com

INSTRUCTIONS FOR SERVICE

Please issue summons and certified copy of the foregoing Complaint to the below named Defendants by certified mail, return receipt requested at the following addresses:

RONALD J. DORBISH, JR., DO
OhioHealth Physician Group
c/o OhioHealth Physician Group, Inc.
3430 OhioHealth Parkway
Columbus, Ohio 43202

OMAR AHMAD BADAWI, MD
COPC Hospitalists Services, LLC
c/o COPC
655 Africa Road
Westerville, Ohio 43082

KIMBERLY MARIE MORTON, MD
COPC Hospitalists Services, LLC
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655 Africa Road
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SWETHA R. SINGH, MD
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VENKATESH CHURRAVURI, MD
COPC Hospitalists Services, LLC
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JOHN ALEXANDER BACH, MD
Riverside Surgical Associates, Inc.
c/o John D. Leff
3545 Olentangy River Road #525
Columbus, Ohio 43214

ALEXIS SCHWEIBINZ, MD
Riverside Methodist Hospital
c/o OhioHealth Corporation
3430 OhioHealth Parkway
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NATHAN J. WILLIAMS, MD
Riverside Methodist Hospital
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c/o OhioHealth Corporation
3430 OhioHealth Parkway
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RIVERSIDE SURGICAL ASSOCIATES, INC
c/o John D. Leff
3545 Olentangy River Road #525
Columbus, Ohio 43214



JC Ratliff (0027898)
Rocky Ratliff (0089781)
Nicholas A. Barons (0101392)
Counsel for Plaintiffs
RATLIFF LAW OFFICES
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Marion, Ohio 43302
T: 740-383-6023 F: 740-383-2066
Email: attorney.ratliff@gmail.com

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
CIVIL DIVISION

MICHAEL A. TOUPONCE, SR., : Case No. _____

Plaintiff, : Judge _____

-vs- :

RONALD J. DORBISH, JR., DO, *et. al.*, :

Defendants. :

STATE OF NEW YORK)
) SS:
COUNTY OF SUFFOLK)

I, David A. Mayer, M.D., D.A.B.S., F.I.C.S., having been first duly sworn and cautioned according to law, do hereby state the following to be true and accurate, based on my own personal knowledge and belief, and under possible penalty of perjury:

1. My name is David A. Mayer, M.D., D.A.B.S., F.I.C.S., and I am of sound mind and lawful age and in all other respects competent to make this Affidavit.
 2. I am physician duly licensed to practice medicine and surgery in the State of New York. I am a graduate of Cornell Medical School and have completed the 5-year General Surgical Residency program at New York Hospital-Cornell. I am double board certified in Surgery by the American Board of Surgery and the National Board of Physicians and Surgeons. I am a Fellow and Vice-Regent of the International College of Surgeons. I have the academic appointment of Clinical Associate Professor of Surgery at
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New York Medical College and my professional experience includes serving as Chairman of Surgery at a major New York area teaching hospital in the Northwell Health System. I have published and presented my research both nationally and internationally.

3. I devote more than half of my professional time to the active clinical practice of medicine in my field of licensure.
 4. I have thoroughly reviewed all of the medical records concerning the medical care and treatment of Michael Touponce that are reasonably available to Plaintiff at this time.
 5. Such records include the OhioHealth medical records from Riverside Methodist Hospital (hereinafter "Riverside") and OhioHealth Mansfield Hospital.
 6. I am familiar with the applicable standard of care relative to the performance of lumbar spine surgery and to the timely diagnosis and treatment of iatrogenic bowel perforations and their sequelae.
 7. Based on my review of the medical records, operative notes, pathology reports, my training and experience, it is my opinion that Dr. Ronald J. Dorbish, D.O. departed from standard of care by carelessly perforating Mr. Touponce's colon during the 12/12/22 lumbar spine procedure at Riverside, and by failing to obtain valid informed consent from Plaintiff for said procedure.
 8. It is my further opinion that Dr. Dorbish, Central Ohio Primary Care (COPC) Hospitalists, including but not limited to Omar Ahmad, Badawi, M.D., Kimberly Marie Morton, M.D., Swetha R. Singh, M.D. and Venkatesh Chirravuri, M.D.; general surgeon Dr. John Alexander Bach, M.D.; the surgical residents, including but not limited to, Alexis
-

Schweibinz, M.D. and Nathan J. Williams, M.D.; Kristin Denise Anderson, PA-C, and Riverside, collectively and individually, departed from standard of care from 12/12/22 through 12/17/22, by failing to heed the signs and symptoms of persistent abdominal distension, pain, firmness and elevated WBC counts indicative of a brewing septic intrabdominal process; by failing to order a CT scan of the abdomen; by failing to maintain the requisite index of suspicion; by administering contraindicated enemas; and by negligently discharging Plaintiff from the hospital with an undiagnosed and untreated bowel perforation and evolving peritonitis.

9. The breaches of the aforementioned standards of care proximately caused severe and permanent injuries to the Plaintiff, Mr. Touponce.
10. All of the opinions contained in this Affidavit are expressed to a reasonable degree of medical certainty.
11. *AFFIANT FURTHER SAYETH NAUGHT.*

David A. Mayer

David A. Mayer, M.D., D.A.B.S., F.I.C.S.

Sworn to before me and subscribed in my presence this 11 day of December, 2023.

Emily Rivera
Notary Public

Emily Rivera NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01RI6380156 Qualified in Suffolk County Commission Expires September 4, 2026
