

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

<b>CRYSTAL BEALING,</b>	)	Case No.:
Individually and as <b>MOTHER</b>	)	<b>DEMAND FOR JURY TRIAL</b>
<b>AND NEXT OF FRIEND AND</b>	)	
<b>ADMINISTRATRIX OF THE ESTATE</b>	)	
<b>OF CARMELO ARTHUR</b>	)	
<b>MCCREARY-BEALING, and</b>	)	
<b>JOSHUA MCCREARY,</b>	)	
Individually and as <b>FATHER</b>	)	
<b>OF CARMELO ARTHUR</b>	)	
<b>MCCREARY-BEALING,</b>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
<b>EMORY HEALTHCARE, INC.,</b>	)	
<b>EMORY UNIVERSITY HOSPITAL</b>	)	
<b>MIDTOWN,</b>	)	
<b>JOHN/JANE DOES 1,</b>	)	
<b>JOHN/JANE DOES 2,</b>	)	
	)	
Defendants.	)	

**COMPLAINT**

COMES NOW Plaintiff CRYSTAL BEALING, Individually and as Mother and Next of Friend and Administratrix of the Estate of Carmelo Arthur McCreary-Bealing; and Plaintiff JOSHUA MCCREARY, Individually and as Father of Carmelo Arthur McCreary-Bealing; by and through undersigned counsel, and hereby files this Complaint for Damages against Defendants EMORY HEALTHCARE, INC.; EMORY UNIVERSITY HOSPITAL MIDTOWN; JOHN/JANE DOES 1; and JOHN/ JANE DOES 2; and in support shows the Court as follows:

## PARTIES, VENUE, JURISDICTION AND SERVICE OF PROCESS

1.

At all times relevant to this action, Plaintiffs were residents of Fulton County in the State of Georgia.

2.

Plaintiff CRYSTAL BEALING (hereinafter “Mrs. Bealing”) is Carmelo Arthur McCreary-Bealing’s (hereinafter “Carmelo”) Mother, Next of Friend, and Administratrix. Mrs. Bealing is subject to the jurisdiction of this court.

3.

Plaintiff JOSHUA MCCREARY (hereinafter “Mr. McCreary”) is Carmelo’s Father. Mr. McCreary is subject to the jurisdiction of this court.

4.

Defendant EMORY HEALTHCARE, INC. (hereinafter “Emory Healthcare”) is a domestic nonprofit corporation with its principal place of business at “201 Dowman Dr. NE, 101 Administration Building, Atlanta, Georgia 30322” and may be served through its registered agent “Amy Adelman” at “201 Dowman Drive, 101 Administration Building, Atlanta, Georgia 30322”, and is subject to the jurisdiction of this Court.

5.

Defendant EMORY UNIVERSITY HOSPITAL MIDTOWN (hereinafter “Emory Midtown Hospital”) is a hospital owned and operated by Emory Healthcare with its principal place of business at 550 Peachtree St. NE, Atlanta, Georgia 30308 and may be served at 550 Peachtree St. NE, Atlanta, Georgia 30308, and is subject to the jurisdiction of this Court.

6.

Defendants JOHN/JANE DOES 1 are the unknown and unidentified physicians who knew or should have known that Mrs. Bealing was present in the emergency room or maternity ward and not being treated at Emory Midtown Hospital operated by Emory Healthcare.

7.

Defendants JOHN/JANE DOES 2 are the unknown and unidentified hospital staff members who knew or should have known Mrs. Bealing was present in the emergency room or maternity ward and not being treated at Emory Midtown Hospital operated by Emory Healthcare and failed to treat her or notify any physician of her presence or condition.

8.

Jurisdiction and venue are proper in this Court as to all parties.

### **STATEMENT OF MATERIAL FACTS**

9.

On August 22, 2022, Crystal Bealing (hereinafter “Mrs. Bealing”) had been pregnant for thirty-eight (38) weeks. Like most young expectant mothers, she was thrilled when she felt her unborn son kicking and full of life. She and the child’s father Joshua McCreary named him Carmello Arthur McCreary-Bealing.

10.

On the morning the of August 22, 2022, Mrs. Bealing at 8:00 a.m., attended a scheduled prenatal appointment at Emory Health Care, the Emory Women’s Health Clinic, which was located at Emory St. Joseph Hospital, 5665 Peachtree Dunwoody Road, Atlanta, Georgia 30342.

11.

Since April 19, 2022, Mrs. Bealing had been attending prenatal examinations and treatment in the Emory Health Care System through the Emory Women’s Health Center at Emory St. Joseph and at Emory Midtown 550 Peachtree St. NE Atlanta, Georgia 30308.

12.

At all relevant times during this incident, Emory Health Care and Emory Midtown, their employees, representatives and agents had access to Mrs. Bealing’s medical records and medical history.

13.

The August 22, 2022, prenatal examination was performed by Dr. Campos Ros, who stated to Mrs. Bealing at the conclusion of the examination that both she and the baby were fine.

14.

After the examination, Mrs. Bealing returned to her home and decided to get into bed and rest.

15.

At approximately 8:00 p.m., Mrs. Bealing awoke and decided to shower and wash her hair. While in the shower she began to feel sharp contractions in her stomach which caused her so much pain she was unable to stand properly. She managed to crawl out of the bathroom and shout to her God Father, Michael Coleman, that she needed help.

16.

Her God Father saw her crawling on the floor and said he would locate clothing for her and called Mr. McCreary.

17.

Mrs. Bealing managed to pull herself up onto a living room couch while still experiencing excruciating pain. She noticed as she sat on the couch that she was bleeding heavily from her vaginal area which increased her feeling that she needed immediate emergency medical attention.

18.

Shortly after 9:30 p.m., Mrs. Bealing and Mr. McCreary arrived at the Emory Midtown Hospital and headed straight for the emergency room. When she arrived at the Emergency Room, she was having trouble breathing, and was experiencing severe and consistent pain in her stomach area. The stomach pain was so severe Mrs. Bealing was unable to walk or sit in an upright position. Mrs. Bealing continued to suffer heavy vaginal bleeding, she was nauseous and felt she was about to throw up.

19.

Mrs. Bealing, after arriving at Emory Midtown Hospital by automobile, immediately approached the emergency desk and described to at least five unidentified John Doe 1 and/or 2 employees, representatives and/or agents of the Defendants who were seated or standing near the emergency room front desk, the full extent of her pain and physical condition.

20.

Because she was pregnant and exhibiting specific conditions which deserved immediate medical attention to her, Mrs. Bealing thought she would immediately receive medical treatment or examination by the Defendant's staff. Mrs. Bealing and Mr. McCreary requested such emergency treatment from the Defendant. The Defendant's staff, employees, representatives, and/or agents, however, chose to completely ignore Mrs. Bealing, her unborn child, and her critical medical condition.

21.

For at least twenty minutes the emergency room staff ignored Mrs. Bealing until finally at 10:02 p.m. Mrs. Bealing was asked to complete Emory Healthcare's Admission/Registration Agreement. The Agreement contained seven pages. Two of the pages contained a Voluntary Agreement to Alternative Dispute Resolution, which Mrs. Bealing refused to sign.

22.

At all times relevant to this incident prior to and after the Admission Agreement was signed at 10:02 p.m., Mrs. Bealing received no treatment, examination, aid or evaluation from Emory Healthcare, Emory Midtown Hospital or the unknown John Doe 1 and 2 Defendants. The Defendants continued to ignore Mrs. Bealing as she was forced to endure her immense pain and the emotional stress of her pregnancy while the vaginal bleeding continued.

23.

Twice while Mrs. Bealing waited in the emergency area, she vomited in full view of the Defendants and still the Defendants took no action to address her critical emergency.

24.

One of the John Doe 1 or 2 employees of the Defendant approached Mrs. Bealing, got her a wheelchair, and asked one of her colleagues to take Mrs. Bealing to the Maternity emergency waiting room. The second employee wheeled Mrs. Bealing into the maternity section, and she was placed along a hallway against a wall.

25.

The employee who provided the wheelchair for Mrs. Bealing informed Mrs. Bealing that the reason she had not been treated was because a “shift change of the employees” was about to take place and the hospital had no beds available.

26.

Mrs. Bealing observed what appeared to her to be a new shift of employees who were stationed at the maternity emergency waiting area. She observed the new group of three or four employees take their positions and, like the previous group, failed to offer any treatment, examination, aid or evaluations to Mrs. Bealing.

27.

When Mrs. Bealing asked when she would receive medical attention, one of the staff employees (John Doe 1 or 2) said to her “Someone has also already talked to you about that.” The employee seemed irritated that Mrs. Bealing had asked the question again.

28.

Mrs. Bealing noted that one of the employees sat at the emergency desk and consumed a meal in her presence, while ignoring her. Likewise, the other employees paid no attention to her as well.

29.

On August 22, 2022, while she stood in her shower at her home, Mrs. Bealing had felt her unborn son kicking inside her “like crazy.” She had felt him kicking vigorously before during her pregnancies, but never so physically and consistently as he was at that moment. While she was in the Defendant’s Emergency Room waiting for emergency care, she noticed that the kicking became less frantic and soon stopped altogether.

30.

While she sat in the Emergency area, she particularly noticed two male doctors (John or Jane Doe 1) whom she identified by their clothing, closely pass by her while she waited. She also particularly noticed what she recognized as two female nurses (John or Jane Doe 2) who walked by her as well. Both groups completely ignored her as she struggled to sit in the waiting area.

31.

With the bleeding and pain continuing, and the sudden stopping of the kicking by the baby and since it was clear that the Defendants had no intention of examining or treating her, Mrs. Bealing asked Mr. McCreary to take her to another hospital.

32.

At all times relevant to incident, neither Emory Healthcare or Emory Midtown Hospital or any employee, representative, staff, of Defendant (John or Jane Does 1 and 2) unknown to Plaintiffs at this time, provide any medical attention to Mrs. Bealing in the form of medication, treatment, examination, aid or evaluation, all of which constituted gross negligence and caused the death of Carmelo Arthur McCreary-Bealing and caused financial and emotional damages to the Plaintiffs.

33.

At approximately 11:32 p.m., Mrs. Bealing left Emory Midtown and arrived about ten minutes later at 11:42 at Piedmont hospital. Mrs. Bealing left in full view of the Defendants who made no effort to stop and speak with her or to refer her to another emergency treatment facility.

34.

Unlike the treatment Mrs. Bealing received at Emory Healthcare and Emory Midtown Hospital, as soon as Mrs. Bealing entered the parking lot at Piedmont Hospital the security guards, upon learning that Mrs. Bealing was pregnant and had vaginal bleeding, they immediately secured a wheelchair and rushed Mrs. Bealing into the Maternity Emergency Unit.

35.

At least five doctors assembled around Mrs. Bealing and immediately triaged, admitted, and began to treat Mrs. Bealing for possible placental abruption or disseminated intravascular coagulation (DIC). By 11:52 p.m., the doctors had already started an ultrasound of Mrs. Bealing.

36.

Despite the best efforts of the medical staff at Piedmont, in the early morning hours of August 23, 2022, a physician announced to Mrs. Bealing that her son had passed. Mrs. Bealing said the doctor told her the baby died of a placenta abruption.

37.

The doctors at Piedmont explained that they would allow the baby to remain inside Mrs. Bealing, hoping for a natural birth. When the natural birth did not materialize, on August 24, 2022, doctors induced delivery and Baby Carmelo Arthur McCreary-Bealing was born dead.

38.

After what was the most agonizing period of her life, lying in a bed carrying a child that she was told had already died, Mrs. Bealing, Mr. McCreary and other family members had a chance to hold and take pictures of Baby Carmelo.

39.

On August 29, 2022, Carmello was cremated.

40.

Emory Healthcare was the owner and operator of Emory Midtown Hospital at all times relevant to this Complaint.

41.

John/Jane Does 1 were physicians who held themselves out as medical specialists in emergency or obstetric medicine at all times relevant to this Complaint.



42.

John/Jane Does 2 were non-physician staff who held themselves out as specialists in emergency or obstetric medicine at all times relevant to this Complaint.

43.

John/Jane Does 1 were agents, apparent agents, or employees of Emory Healthcare and/or Emory Midtown Hospital and acting within the scope of their agency or employment at all times relevant to this complaint.

44.

John/Jane Does 2 were agents, apparent agents, or employees of Emory Healthcare and/or Emory Midtown Hospital and acting within the scope of their agency or employment at all times relevant to this complaint.

45.

At all times relevant to this Complaint, all Defendants had access to Mrs. Bealing's medical records and history.

46.

Plaintiffs contemporaneously file the Affidavit of Sholah P. Pittman, M.D. attached as Exhibit "A") and incorporate its facts and allegations herein as if fully restated.

### **COUNT 1: GROSS NEGLIGENCE AND NEGLIGENCE OF EMORY HEALTHCARE**

47.

Plaintiffs reallege and incorporate herein the allegations contained in paragraphs 1 through 40 above as if fully restated.

48.

The nurses and staff of Emory Healthcare failed to exercise the standard of care and skill ordinarily used by these individuals under same or similar conditions and like surrounding circumstances as those relevant to this case in their care and treatment of patients such as Mrs. Bealing and Carmelo.

49.

The gross negligence and negligence of its nurses and staff includes, but is not limited to, the gross negligent and negligent acts and omissions set forth in the affidavit of Dr. Sholah P. Pittman, M.D. filed contemporaneously with this Complaint as Exhibit "A," pursuant to the requirements of O.C.G.A. § 9-11-9.1, and is incorporated herein as if fully restated.

50.

Emory Healthcare's nurses and staff were grossly negligent and negligent in deviating from the accepted standard of care in the following manner:

1. Failure to adequately triage Mrs. Bealing's critical condition upon her arrival at Emory Healthcare's hospital;
2. Failure to counsel, evaluate, manage, care for and monitor Mrs. Bealing during the course of her emergency visit at Emory Healthcare's hospital;
3. Failure to provide proper care and treatment to Mrs. Bealing;
4. Failure to refer Mrs. Bealing to another emergency medical care facility;
5. Failure to secure reasonable and necessary medical personnel to assist in the management and care of Mrs. Bealing during her visit;
6. Failure to evaluate Plaintiff and obtain laboratory studies that would aid in diagnosing placental abruption or vaginal hemorrhage on first presentation to Emory Healthcare's hospital;
7. Failure to evaluate the vaginal bleeding experienced by Mrs. Bealing during her 38th week of pregnancy when she visited Emory Healthcare's hospital;
8. Failure to recognize obstetric hemorrhage;
9. Failure to recognize placental abruption;
10. Failure to treat Plaintiff's vaginal hemorrhage and placental abruption;
11. Failure to personally examine the patient; and
12. Failure to treat vaginal hemorrhage and placental abruption.

13. Failure to hire and train staff competent to uphold the above-violated standards of care

51.

The above-listed deviations from the accepted standard of care, within a reasonable degree of medical certainty, proximately resulted in Plaintiffs suffering the death of Carmelo and Plaintiffs' extreme physical and mental pain and suffering.

52.

The gross negligence and negligence of the nurses and staff of Emory Healthcare, and their conduct in deviating from the accepted standard of care, within a reasonable degree of medical certainty, was the sole and proximate cause of Plaintiffs' injuries.

53.

As a direct and proximate result of Emory Healthcare's gross negligence and negligence described herein, Plaintiffs suffered compensatory and special damages as defined under State law in an amount to be determined by jury.

## **COUNT 2: VICARIOUS LIABILITY AS TO EMORY HEALTHCARE**

54.

Plaintiffs reallege and incorporate herein the allegations of paragraph 1 through 47 above as if fully restated.

55.

At all times relevant to this action, the nurses, and staff of Emory Healthcare were employed by Emory Healthcare and were acting within the scope of their employment.

56.

Emory Healthcare is responsible for the gross negligence and negligence of the nurses and staff of Emory Healthcare under the doctrine of *respondet superior*, agency, or apparent agency.

**COUNT 3: GROSS NEGLIGENCE AND NEGLIGENCE OF EMORY MIDTOWN HOSPITAL**

57.

Plaintiffs reallege and incorporate herein the allegations contained in paragraphs 1 through 50 above as if fully restated.

58.

The nurses and staff at Emory Midtown Hospital failed to exercise the standard of care and skill ordinarily used by these individuals under same or similar conditions and like surrounding circumstances as those relevant to this case in their care and treatment of patients such as Mrs. Bealing and Carmelo.

59.

The gross negligence and negligence of the nurses and staff includes, but is not limited to, the grossly negligent and negligent acts and omissions set forth in the affidavit of Sholah P. Pittman, M.D. filed contemporaneously with this Complaint as Exhibit "A," pursuant to the requirements of O.C.G.A. § 9-11-9.1, and is incorporated herein as if fully restated.

60.

The nurses and staff were grossly negligent and negligent in deviating from the accepted standard of care in the following manner:

1. Failure to adequately triage Mrs. Bealing's critical condition upon her arrival at Emory Midtown Hospital;
2. Failure to counsel, evaluate, manage, care for and monitor Mrs. Bealing during the course of her emergency visit at Emory Midtown Hospital;
3. Failure to provide proper care and treatment to Mrs. Bealing;
4. Failure to refer Mrs. Bealing to another emergency medical care facility;
5. Failure to secure reasonable and necessary medical personnel to assist in the management and care of Mrs. Bealing during her visit;

6. Failure to evaluate Plaintiff and obtain laboratory studies that would aid in diagnosing placental abruption or vaginal hemorrhage on first presentation to Emory Midtown Hospital;
7. Failure to evaluate the vaginal bleeding experienced by Mrs. Bealing during her 38th week of pregnancy when she visited Emory Midtown Hospital;
8. Failure to recognize obstetric hemorrhage;
9. Failure to recognize placental abruption;
10. Failure to treat Plaintiff's vaginal hemorrhage and placental abruption;
11. Failure to personally examine the patient; and
12. Failure to treat vaginal hemorrhage and placental abruption.
13. Failure to hire and train staff competent to uphold the above-violated standards of care

61.

The above-listed deviations from the accepted standard of care, within a reasonable degree of medical certainty, proximately resulted in Plaintiffs suffering the death of Carmelo and Plaintiffs' extreme physical and mental pain and suffering.

62.

The gross negligence and negligence of the nurses and staff at Emory Midtown Hospital, and their conduct in deviating from the accepted standard of care, within a reasonable degree of medical certainty, was the sole and proximate cause of Plaintiffs' injuries.

63.

As a direct and proximate result of Emory Midtown Hospital's gross negligence and negligence described herein, Plaintiffs suffered compensatory and special damages as defined under State law in an amount to be determined by jury.

#### **COUNT 4: VICARIOUS LIABILITY AS TO EMORY MIDTOWN HOSPITAL**

64.

Plaintiffs reallege and incorporate herein the allegations of paragraph 1 through 48 above as if fully restated.

65.

At all times relevant to this action, the nurses and staff at Emory Midtown Hospital were employed by Emory Midtown Hospital and were acting within the scope of their employment.

66.

Emory Midtown Hospital is responsible for the negligence of the nurses and staff at Emory Midtown Hospital under the doctrine of *respondeat superior*, agency, or apparent agency.

#### **COUNT 5: GROSS NEGLIGENCE AND NEGLIGENCE OF JOHN/JANE DOES 1**

67.

Plaintiffs reallege and incorporate herein the allegations of paragraph 1 through 60 above as if fully restated.

68.

John/Jane Does 1 were grossly negligent, negligent, and failed to exercise the standard of care and skill ordinarily used by physicians under same or similar conditions and like surrounding circumstances as those relevant to this case in their care and treatment of patients such as Mrs. Bealing and Carmelo.

69.

The gross negligence and negligence of John/Jane Does 1 includes, but is not limited to, the grossly negligent and negligent acts and omissions set forth in the affidavit of Sholah P. Pittman, M.D filed contemporaneously with this Complaint as Exhibit "A," pursuant to the requirements of O.C.G.A. § 9-11-9.1, and is incorporated herein as if fully restated.

70.

John/Jane Does 1 were grossly negligent and negligent in deviating from the accepted standard of care in the following manner:

1. Failure to adequately triage Mrs. Bealing's critical condition in the emergency room waiting room and Labor & Delivery Center waiting area or hallway;
2. Failure to counsel, evaluate, manage, care for and monitor Mrs. Bealing during the course of her emergency visit;
3. Failure to provide proper care and treatment to Mrs. Bealing;
4. Failure to secure reasonable and necessary medical personnel to assist in the management and care of Mrs. Bealing during her visit;
5. Failure to evaluate Plaintiff and obtain laboratory studies that would aid in diagnosing placental abruption or vaginal hemorrhage on first presentation;
6. Failure to evaluate the vaginal bleeding experienced by Mrs. Bealing during her 38th week of pregnancy;
7. Failure to recognize obstetric hemorrhage;
8. Failure to recognize placental abruption;
9. Failure to treat Plaintiff's vaginal hemorrhage and placental abruption;
10. Failure to personally examine the patient; and
11. Failure to treat vaginal hemorrhage and placental abruption.

71.

The above-listed deviations from the accepted standard of care, within a reasonable degree of medical certainty, proximately resulted in Plaintiffs suffering the death of Carmelo and Plaintiffs' extreme physical and mental pain and suffering.

72.

The gross negligence and negligence of John/Jane Does 1, and his/her conduct in deviating from the accepted standard of care, within a reasonable degree of medical certainty, was the sole and proximate cause of Plaintiffs' injuries.

73.

As a direct and proximate result of John/Jane Does 1's gross negligence and negligence described herein, Plaintiffs suffered compensatory and special damages as defined under State law in an amount to be determined by jury.

**COUNT 6: VICARIOUS LIABILITY AS TO JOHN/JANE DOES 1**

74.

Plaintiffs reallege and incorporate herein the allegations of paragraph 1 through 67 above as if fully restated.

75.

At all times relevant to this action, John/Jane Does 1 were employed by Emory Healthcare and/or Emory Midtown Hospital and were acting within the scope of his/her employment.

76.

Emory Healthcare and/or Emory Midtown Hospital are responsible for the negligence of John/Jane Does 1 under the doctrine of *respondeat superior*, agency, or apparent agency.

**COUNT 7: GROSS NEGLIGENCE AND NEGLIGENCE OF JOHN/JANE DOES 2**

77.

Plaintiffs reallege and incorporate herein the allegations of paragraph 1 through 70 above as if fully restated.

78.

John/Jane Does 2 were grossly negligent, negligent, and failed to exercise the standard of care and skill ordinarily used by these individuals under same or similar conditions and like



surrounding circumstances as those relevant to this case in their care and treatment of patients such as Mrs. Bealing and Carmelo.

79.

The gross negligence and negligence of John/Jane Does 2 includes, but is not limited to, the grossly negligent and negligent acts and omissions set forth in the affidavit of Sholah P. Pittman, M.D filed contemporaneously with this Complaint as Exhibit "A," pursuant to the requirements of O.C.G.A. § 9-11-9.1, and is incorporated herein as if fully restated.

80.

John/Jane Does 2 were grossly negligent and negligent in deviating from the accepted standard of care in the following manner:

1. Failure to adequately triage Mrs. Bealing's critical condition upon her arrival at Emory Healthcare's hospital;
2. Failure to counsel, evaluate, manage, care for and monitor Mrs. Bealing during the course of her emergency visit at Emory Healthcare's hospital;
3. Failure to provide proper care and treatment to Mrs. Bealing;
4. Failure to secure reasonable and necessary medical personnel to assist in the management and care of Mrs. Bealing during her visit;
5. Failure to evaluate Plaintiff and obtain laboratory studies that would aid in diagnosing placental abruption or vaginal hemorrhage on first presentation to Emory Healthcare's hospital;
6. Failure to evaluate the vaginal bleeding experienced by Mrs. Bealing during her 38th week of pregnancy when she visited Emory Healthcare's hospital;
7. Failure to recognize obstetric hemorrhage;
8. Failure to recognize placental abruption;
9. Failure to treat Plaintiff's vaginal hemorrhage and placental abruption;
10. Failure to personally examine the patient; and
11. Failure to treat vaginal hemorrhage and placental abruption.

81.

The above-listed deviations from the accepted standard of care, within a reasonable degree of medical certainty, proximately resulted in Plaintiffs suffering the death of Carmelo and Plaintiffs' extreme physical and mental pain and suffering.

82.

The gross negligence and negligence of John/Jane Does 2, and his/her conduct in deviating from the accepted standard of care, within a reasonable degree of medical certainty, was the sole and proximate cause of Plaintiffs' injuries.

83.

As a direct and proximate result of John/Jane Does 2's gross negligence and negligence described herein, Plaintiffs suffered compensatory and special damages as defined under State law in an amount to be determined by jury.

**COUNT 8: VICARIOUS LIABILITY AS TO JOHN/JANE DOES 2**

84.

Plaintiffs reallege and incorporate herein the allegations of paragraph 1 through 77 above as if fully restated.

85.

At all times relevant to this action, John/Jane Does 2 were employed by Emory Healthcare and/or Emory Midtown Hospital and were acting within the scope of his/her employment.

86.

Emory Healthcare and/or Emory Midtown Hospital are responsible for the negligence of John/Jane Does 2 under the doctrine of *respondeat superior*, agency, or apparent agency.

**COUNT 9: WRONGFUL DEATH AS TO ALL DEFENDANTS**

87.

Plaintiffs reallege and incorporate herein the allegations of paragraph 1 through 80 above as if fully restated.

88.

Carmelo was Plaintiffs' unborn son whose death was the direct and proximate result of all aforementioned Defendants' negligence.

89.

Mrs. Bealing is the Administratrix of the Estate of Carmelo, deceased, and is the proper party to bring the claims for Carmelo's pre-death pain and suffering, his funeral expenses, and his medical expenses.

90.

All Defendants are liable to Plaintiffs for the pre-death pain and suffering of Carmelo, his funeral expenses, and his medical expenses

91.

Plaintiffs, as Carmelo's surviving parents, are the proper parties to recover for the full value of Carmelo's life pursuant to O.C.G.A. § 19-7-1.

92.

All Defendants are liable to Plaintiffs for the full value of the life of Carmelo.

**DEMAND FOR JURY TRIAL**

93.

Plaintiffs demand a jury trial for all issues triable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs herein, pray for relief as follows:

- A. Issuance and service of this Summons and Complaint as required by law;
- B. That a trial by jury be held as to all issues triable herein;
- C. That pursuant to the above-styled allegations, Plaintiffs recover judgment in excess of \$10,000 against each of the Defendants;
- D. That Plaintiffs recover the full value of the life of Carmelo;
- E. That Plaintiffs recover for Carmelo's pre-death pain and suffering, funeral expenses, and medical expenses;
- F. For the physical and mental pain and suffering; for all special damages and necessary expenses as will be shown by timely amendment of this complaint; plus interest as allowed by law; for all costs of this action; and for such other and further relief as the Court may deem just and proper; and,
- G. For such other relief as the Court may deem just and proper.

Respectfully submitted, this 22<sup>nd</sup> day of August 2024.

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Paul L. Howard, Jr.  
*Counsel for Plaintiffs*  
Georgia Bar No. 371088

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IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

CRYSTAL BEALING )  
INDIVIDUALLY AND AS MOTHER )  
AND NEXT OF FRIEND AND )  
ADMINISTRIX OF THE ESTATE )  
OF CARMELO ARTHUR )  
MCCREARY-BEALING; )  
JOSHUA MCCREARY, )  
INDIVIDUALLY AND AS FATHER )  
OF CARMELO ARTHUR )  
MCCREARY-BEALING; )

Case No.:

Plaintiffs )

v. )

EMORY HEALTHCARE, INC.; )  
EMORY UNIVERSITY HOSPITAL )  
MIDTOWN; )  
JOHN/JANE DOES 1; )  
JOHN/JANE DOES 2; )

Defendants )

STATE OF GEORGIA )

COUNTY OF FULTON )

**AFFIDAVIT OF SHOLAH P. PITTMAN, M.D.**

Personally appeared before the undersigned officer, duly authorized by law to administer oaths, Sholah P. Pittman, M.D., who, having first been duly sworn, deposes and says the following:

1.

I am Sholah P. Pittman, M.D., an adult, laboring under no legal disability, and I am providing the following information based on my personal knowledge.

2.

I am an obstetrician gynecologist, licensed in the State of Georgia, and a true and accurate copy of my curriculum vitae is attached hereto as Exhibit "A."

3.

I have actual professional knowledge and experience in the recognition and treatment of obstetric hemorrhage and placental abruption as a result of having been involved in the active practice as an Obstetrics and Gynecology Specialist and having treated patients in a setting similar to the issues involved in this case for more than the last 20 years with sufficient frequency to establish an appropriate level of knowledge on this subject.

4.

I have reviewed Crystal Bealing's medical records from Emory University Midtown Hospital, Piedmont Hospital, and Emory Women's Center at Saint Joseph's Hospital and have relied on these documents in reaching my opinions on these matters.

5.

Due to my education, training, and experience, I am familiar with the standard of care applicable to Obstetrics and Gynecology Specialists such as John/Jane Does 1 in the recognition and treatment of obstetric hemorrhage and placental abruption.

6.

I am familiar with the standard of care and skill required to be exercised by Obstetrics and Gynecology Specialists in the recognition and treatment of obstetric hemorrhage and placental abruption on patients such as Crystal Bealing under same or similar conditions and like surrounding circumstances as those relevant to this case.

7.

Each and every opinion expressed by me is made to a reasonable degree of medical certainty.

8.

As a factual basis for my opinion expressed herein, I have assumed the following facts to be true, and in my opinion, each are the true facts in this matter:

On the evening of August 22, 2022, Crystal Bealing was admitted to Emory University Midtown Hospital at 10:02 PM with intense cramping pains, nausea, extreme discomfort, and heavy vaginal bleeding. After her admission, there is no record of any further evaluation, care, or treatment being provided to Crystal Bealing until she left Emory University Midtown Hospital and arrived at Piedmont Hospital at 11:44 PM. At Piedmont, ultrasound examinations determined Crystal Bealing's son had died from obstetric hemorrhage caused by placental abruption.

There is no record of any care or treatment being provided to Crystal Bealing by any qualified healthcare provider throughout her time as a patient at Emory University Midtown Hospital. There is also no record that Crystal Bealing was ever advised to remain and wait for treatment. Emory University Midtown Hospital's doctors and staff failed to recognize, evaluate, and treat Crystal Bealing's obstetric hemorrhage and placental abruption, leading to her injuries and the death of her unborn son.

9.

Based on my review of the medical records outlined above and on my background, training, experience, education, expertise, and knowledge of the standard of care required by internal medicine physicians such as John/Janes Does 1 in the recognition and treatment of obstetric hemorrhage and placental abruption under same or similar conditions and like surrounding circumstances as those relevant to this case, John/Jane Does 1 deviated from the accepted standard of care and were grossly negligent and negligent in the following manners:

1. Failure to adequately triage Mrs. Bealing's critical condition upon her arrival at Emory University Midtown Hospital;
2. Failure to counsel, evaluate, manage, care for and monitor Mrs. Bealing during the course of her emergency visit at Emory University Midtown Hospital;
3. Failure to provide proper care and treatment to Mrs. Bealing;
4. Failure to refer Mrs. Bealing to another emergency medical care facility;
5. Failure to secure reasonable and necessary medical personnel to assist in the management and care of Mrs. Bealing during her visit to Emory University Midtown Hospital;

6. Failure to evaluate Plaintiff and obtain laboratory studies that would aid in diagnosing placental abruption or obstetric hemorrhage on first presentation to Emory University Midtown Hospital;
7. Failure to evaluate the vaginal bleeding experienced by Mrs. Bealing during her 38th week of pregnancy when she visited Emory University Midtown Hospital;
8. Failure to recognize obstetric hemorrhage;
9. Failure to recognize placental abruption;
10. Failure to treat Plaintiff's obstetric hemorrhage and placental abruption;
11. Failure to personally examine the patient, and;
12. Failure to treat obstetric hemorrhage and placental abruption.

10.

It is my opinion to a reasonable degree of medical certainty that had the appropriate standard of care been followed, Plaintiffs would not have suffered their extreme mental and physical pain and suffering and the death of Carmelo Arthur McCreary-Bealing.

11.

It is my opinion to a reasonable degree of medical certainty that the deviations from the applicable standard of care outlined above proximately caused these injuries.

12.

It is my opinion to a reasonable degree of medical certainty that the deviations from the applicable standard of care outlined above constitute a breach of the standard of care applicable to this case.

13.


I have not expressed all theories of negligence in this affidavit to the exclusion of other acts or omissions of negligence that may exist, but rather provide this affidavit in light of the obligation imposed by O.C.G.A. § 9-11-9.1 to set forth only one act of negligence.



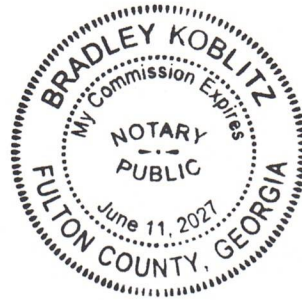
FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_ Affiant

Sworn and subscribed before me this 22 day of August, 2024

  
\_\_\_\_\_  
Notary Public

My Commission Expires: June 11, 2027



**Sholah P. Pittman, M.D.**  
Curriculum Vitae

**Personal Information**

Business Address      1175 Cascade Pkwy  
Ob/Gyn Department  
Atlanta, GA 30311

Home Address          2225 Palmour Ct  
College Park,GA. 30337  
(404) 550-9993

Email Address          **drspittman@comcast.net**

Citizenship            USA

Licensure              Georgia  
Registration Number: 053315  
Initial Date: June 2003  
Expiration Date: 10/31/2025

                                Florida  
Registration Number: ME 168489  
Initial Date: May 2024  
Expiration Date: 1/31/2026

NPI                        1083614259

Certification            Board Certified American Board of Obstetricians and Gynecologists  
11/11/05-12/31/2024

**Education**

Morehouse School of Medicine  
Atlanta, Georgia  
07/1995-06/1999  
Degree-MD

Emory University  
Atlanta, Georgia  
8/1990-5/1994  
Degree-BS Biology

**Postgraduate Training**

Residency              University of Texas, Houston-LBJ Program  
Department of Obstetrics and Gynecology

Houston, Texas  
07/1999-06/2003

### Professional Experience

TSPMG  
OB/Gyn Physician  
1175 Cascade Pkwy  
Atlanta, GA 30311  
8/2016- current

Health Connect Essentials - Epic electronic medical record peer support  
OB/Gyn Physician Lead  
5/2020-5/2024

Physician Module Lead  
Cascade OB/Gyn TSPMG  
2019-2022

Wellstar Medical Group  
OB Hospitalist –Cobb Wellstar  
3950 Austell Rd.  
Austell, GA 30106  
9/2012 - 7/19/2016

Douglas Women's Center  
880 Crestmark Drive. Suite 200  
Lithia Springs, GA 30122  
11/2007 – 8/2012

Assistant Professor  
Obstetrics and Gynecology  
Morehouse School of Medicine  
Grady Memorial Hospital  
Atlanta, GA  
7/2004 – 10/2007

Consolidated OB/GYN Specialty Group  
Obstetrics and Gynecology  
Decatur, Georgia  
8/2003 – 7/2004

### Honors and Awards

Alpha Omega Alpha Medical Honor Society

### Professional Memberships

American College of Obstetrics and Gynecologists  
1999 - Current

Updated 2/2024