

SCREENING CERTIFICATE OF MERIT –
WOMEN’S HEALTH CENTER OF WEST VIRGINIA, INC.

Comes now, Byron Calhoun, M.D., FACOG, FACS, FASAM, MBA, and under oath hereby deposes as follows:

- I. I am Byron Calhoun, M.D., FACOG, FACS, FASAM, MBA. My education, training, skills, knowledge and experience are outlined in my *curriculum vitae*, attached hereto as Exhibit A;
- II. I am licensed to practice medicine in Iowa, Alabama, Mississippi, Washington, Colorado, West Virginia, Oregon, Missouri, Pennsylvania, Georgia, and Illinois. My license to practice medicine has never been revoked or suspended in any state;
- III. My medical specialty is in the field of Obstetrics and Gynecology. I have earned board certification from the American Board of Obstetrics and Gynecology and the American Board of Obstetrics and Gynecology in Maternal-Fetal Medicine, which is current. See Exhibit A. I have training and experience in diagnosing and treating injuries and conditions that Women’s Health Center of West Virginia, Inc., its agents or employees, provided to Itai Gravely;
- IV. I have reviewed the medical care provided to Itai Gravely by Women’s Health Center of West Virginia, Inc., its agents or employees, including Rodney Stephens, M.D., beginning in April, 2012. I have knowledge of the applicable standard of care for the treatment provided Itai Gravely by Women’s Health Center of West Virginia, Inc., its agents or employees, including Rodney Stephens, M.D., that is criticized herein. My experience, education, skills, training and knowledge qualify me to render an opinion regarding the care provided to Itai Gravely by Women’s Health Center of West Virginia, Inc., its agents or employees, including Rodney Stephens, M.D. At the time of the medical injury addressed herein, at least sixty percent (60%) of my professional time was devoted to the active clinical practice of obstetrics and gynecology.
- V. It is my opinion that the standard of care was breached by Rodney Stephens, M.D., in the following ways:
 1. Women’s Health Center of West Virginia, Inc., its agents or employees, including Rodney Stephens, M.D., failed to use the medically preferred guidance of ultrasound technology in performing a midterm surgical abortion on Ms. Gravely.
 2. Every dilation and curettage procedure requires the physician to verify that the entire contents of the patient’s uterus have been removed during the procedure. Women’s Health Center of West Virginia, Inc., its agents or employees, including Rodney Stephens, M.D., violated that standard of care by failing to account for the fetal skull following Ms. Gravely’s surgical abortion. He (Rodney Stephens, M.D., the agent or employee of Women’s Health Center of West Virginia, Inc.) should have accounted for every fetal part by re-assembling the aborted fetus or utilized the preferred

method of ultrasound technology to examine the post-surgical uterus to ensure the patient has not retained fetal parts that, if retained, could lead to serious injury or even death. At a minimum, Rodney Stephens, M.D., should have provided the crushed remains of Ms. Gravely's unborn child to a qualified pathologist for analysis and evaluation. He did not; rather, he relied upon his own visual inspection risking what became reality that he failed to fully empty the contents of Ms. Gravely's uterus – a clear breach of the standard of care. That Women's Health Center of West Virginia, Inc. failed to adequately supervise its agent or employees to ascertain that the entire contents of Ms. Gravely's uterus had, in fact, been emptied, is likewise a breach of the standard of care.

3. Before proceeding with a surgical procedure, a physician and health care provider must obtain fully informed consent. Women's Health Center of West Virginia, Inc., its agents or employees, including Rodney Stephens, M.D., failed to obtain fully informed consent because he failed to accurately diagnose the gestational age of Ms. Gravely's baby and the estimate he did give conflicted with the estimate by the agents or employees of Women's Health Center of West Virginia, Inc. Therefore, the consent Ms. Gravely provided lacked sufficient information.
4. A patient undergoing a surgical abortion should feel discomfort, but no significant pain. Women's Health Center of West Virginia, Inc., its agents or employees, including Rodney Stephens, M.D., breached the standard of care by giving Ms. Gravely insufficient anesthetic, exposing her to severe pain during the course of the surgical abortion.
5. When a patient revokes consent to a medical procedure, a physician and health care provider is under a professional, medical, and ethical obligation to obey the directives of the patient to the fullest extent possible. When Women's Health Center of West Virginia, Inc., its agents or employees, including Rodney Stephens, M.D., was clearly informed by Ms. Gravely that she was experiencing severe pain at the outset of the procedure and that she wanted him to cease the procedure immediately, Rodney Stephens, M.D. ignored the patient's clear instructions and directed agents or employees of Women's Health Center of West Virginia, Inc., to physically restrain Ms. Gravely so he could complete the procedure. As such, both continuing the procedure against the express directives of the patient and physically restraining a patient's movement constitute a breach of the standard of care.
6. Post-surgical care of the patient requires the physician and health care provider to examine the patient to ensure the surgery was a success. Once Rodney Stephens, M.D. finished his procedure, he never saw Ms. Gravely again, despite Ms. Gravely's repeated representation to the agents or employees of Women's Health Center of Charleston, Inc., that she was in severe pain.

VI. It is my opinion that the aforementioned breaches in the standard of care rendered to Itai Gravely by Women's Health Center of West Virginia, Inc., its agents or employees,

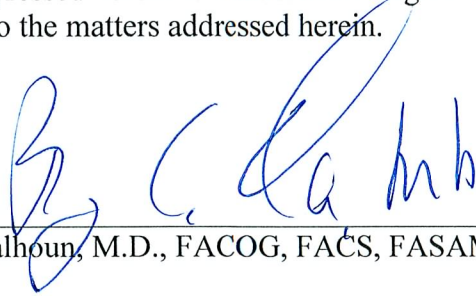
including Rodney Stephens, M.D., proximately resulted in the following injury to Itai Gravely:

1. Severe Pain.
2. Emotional trauma.
3. Repeated surgery.
4. Increased future health risks.

VII. It is my opinion that, as a result of the aforementioned breaches in the standard of care, Itai Gravely will need the following future medical care and treatment:

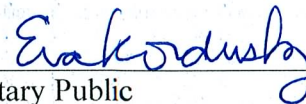
1. Preterm birth.
2. Mental health, including increased risks for anxiety, depression, suicide, substance use/abuse, and sleep disorders.
3. Increased risk of death.

VIII. I personally hold all of the opinions expressed herein to a reasonable degree of medical certainty, and am competent to testify to the matters addressed herein.



Byron Calhoun, M.D., FACOG, FACS, FASAM, MBA

Take, sworn to, and subscribed to me this 19 day of April, 2013, by Byron Calhoun.


Notary Public

My commission expires: Aug. 13, 2019