

No. \_\_\_\_\_

COURISSA CLARK AND DERRICK HALL INDIVIDUALLY AND AS NEXT FRIENDS OF NEVAEH HALL, MINOR	§	IN THE DISTRICT COURT OF
	§	
	§	
Plaintiffs,	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
BETHANIEL JEFFERSON	§	
Defendant	§	____ Judicial District

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT

COMES NOW, Courissa Clark and Derrick Hall, Individually and as Next Friends of Nevaeh Hall, a Minor, ("Plaintiffs") complaining of Bethaniel Jefferson (Defendant) and for cause of action would respectfully show the court and jury as follows:

**DISCOVERY CONTROL PLAN**

Discovery in this case should be conducted under Level 3 pursuant to Rule 190.4 of the Texas Rules of Civil Procedure. Plaintiffs respectfully request that this Court enter an appropriate Scheduling Order so that discovery may be conducted in this case pursuant to Level 3.

**PARTIES**

Plaintiffs Courissa Clark and Derrick Hall, bring this suit both in their individual capacities and as next friends for their daughter, Nevaeh Hall, a minor.

Defendant Bethaniel Jefferson, lives at 1710 Claytons Cove Ct Spring, Tx 77386-2950. Jefferson can be served with process through her attorney John

Strawn at 711 Louisiana Street Suite 1850 Houston, TX 77002.

### **JURISDICTION AND VENUE**

This Court has jurisdiction because all of the causes of action asserted in this suit arose in Texas, both parties are residents of Texas and the damages sought are in excess of the minimum jurisdictional limits of this Court. Therefore, this Court has both subject matter and personal jurisdiction over all of the parties and all of the claims.

Venue is proper in Harris County, Texas under the general venue statute of the Texas Civil Practice & Remedies Code § 15.002, because the acts complained of in this suit took place there.

### **BACKGROUND**

This claim is a health care liability claim brought under Chapter 74 of the Texas Civil Practice and Remedy Code. Defendant Bethaniel Jefferson is a dentist that Courissa and Derrick took their four-year-old daughter Nevaeh to for dental treatment. Derrick and Courissa trusted that their four-year-old daughter would come out from treatment happy, healthy and smiling like always. Little did they know that their lives and their daughters would forever be changed by the actions of their trusted dentist, Jefferson.

On the morning of treatment Nevaeh was taken away from her parents, strapped into a physical restraint device called a "papoose board" and given large doses of anesthetic and sedatives. Shortly after Jefferson started treating Nevaeh she began crying, moving her head, screaming and shaking violently. Jefferson ignored these physical signs of distress but eventually stopped treating

Nevaeh and flipped her onto her side. After this incident Jefferson asked Courissa and Derrick if Nevaeh had any medical problems or health issues including “the shakes.” Jefferson used the term “the shakes” to describe to Nevaeh’s parents what Jefferson knew to be a seizure. Shortly after this conversation Derrick was taken back to see Nevaeh. The staff explained to Derrick that Nevaeh was “just a bit congested” and that Jefferson was trying to get Nevaeh to cough. After this brief encounter Derrick was taken back to the waiting room and left to tell Courissa what he saw. Derrick and Courissa were extremely worried and asked Jefferson if they needed to call 911. Jefferson assured them that their daughter would be fine and that there was no need for an ambulance. The staff then locked the door to the treatment room to prevent Courissa and Derrick from being able to check on their daughter and resumed treating Nevaeh.

About 11:30am Jefferson gave additional medication to Nevaeh, even though Courissa and Derrick had not given any consent to additional drugs. Even though Jefferson and her staff had immediate access to a computerized vital signs device, both Jefferson and her staff ignored warning sounds and visual indications which showed that for a period of about five hours Nevaeh’s brain suffered from a severe lack of oxygen. With this monitoring device Jefferson and her staff easily could see Nevaeh’s blood pressure and pulse were alternatively spiking and plummeting, all reflecting in real time that Nevaeh was being chemically suffocated. Adding insult to injury, the physical restraint device restricted her ability to breathe during the very time her body and brain were

being starved for oxygen. At times Nevaeh would respond to physical touch with positive bodily movement but then she would begin convulsing again. At one point in the afternoon, Jefferson's staff noticed that Nevaeh's body was very hot. They removed Nevaeh's clothes, turned down the air conditioning and began bathing her with water. All of this transpired while Jefferson's staff assured Courissa and Derrick that Nevaeh was "doing well and taking water." Courissa and Derrick perpetually asked the receptionist if they could take Nevaeh home but the response was consistently "no." The office staff would not allow Nevaeh to be released because Jefferson wanted her to be able to walk out.

At approximately 4:30pm Courissa and Derrick were finally allowed back into the treatment area, after eight hours in the waiting room, as the ambulance crew arrived for their daughter. Derrick and Courissa were then told that Jefferson could not control "the shakes" and therefore an ambulance had been called. At the hospital Nevaeh was diagnosed with permanent and profound brain damage. Due to her condition, Nevaeh requires around the clock care. Nevaeh can't see, talk, or drink on her own and continues to need medical treatment now and for the rest of her life.

Any competent medical professional would be able to see that Nevaeh was in severe distress based solely upon her vital signs. In providing dental treatment, Jefferson, had the duty to act as a reasonable dentist would have under the same or similar circumstances and the evidence will show that Jefferson failed to act, as a reasonable dentist would have, under the same or similar circumstances. Specifically, the evidence will show that the Defendant

was negligent in her care and treatment of Nevaeh. Said breaches of the standard of care constitute negligence as that term is defined by the laws and statutes of this State, and said breaches of the standard of care, singularly or in combination with each other, were proximate causes of Plaintiffs' resulting injuries and damages. Absent the breaches in the standard of care, it is within a reasonable degree of medical probability that Nevaeh would not have sustained brain damage.

### **DAMAGES**

At the time of trial, Plaintiffs, will ask the jury to award the damages identified below by asking the jury to consider what sum of money, if paid now in cash, would fairly and reasonably compensate them for the injuries and damages they sustained in this case as a result of the conduct of the Defendant, including, but not limited to, the following:

1. Physical pain and mental anguish sustained in the past;
2. Physical pain and mental anguish that, in reasonable probability, Nevaeh Hall, a minor, will sustain in the future;
3. Loss of earnings capacity that, in reasonable probability, will be sustained by and/or on behalf of Nevaeh Hall, from now and in the future (including the time of trial) until Nevaeh reaches the age of eighteen years of age;
4. Loss of earnings capacity that, in reasonable probability, will be sustained by Nevaeh Hall, a minor, in the future after she reaches the age of eighteen;
5. Physical impairment sustained in the past;
6. Physical impairment that, in reasonable probability, Nevaeh Hall, a minor, will sustain in the future;
7. Medical care expenses incurred in the past on behalf of Nevaeh Hall, a minor;

8. Medical care expenses that, in reasonable probability, will be incurred on behalf of Nevaeh Hall, a minor, from now and in the future (including the time of trial) until Nevaeh reaches the age of eighteen years of age; and
9. Medical care expenses that, in reasonable probability, Nevaeh Hall will incur after she reaches the age of eighteen years.

Plaintiffs reserve the right to plead additional damages in the future. All of the cited elements of damages have been proximately caused by the negligent acts and omissions of the Defendant, for which this suit is brought. Because of the above and foregoing, Plaintiffs have been damaged, and will be damaged, in a sum greatly in excess of the minimum jurisdictional limits of this court.

#### **NOTICE**

Plaintiffs provided Defendant with written notice of their claims as required by Texas Civil Practice and Remedies Code Section 74.051 of the Medical Liability and Insurance Improvement Act.

#### **JURY TRIAL**

Plaintiffs respectfully request a jury trial in accordance with the applicable provisions of the Texas Rules of Civil Procedure.

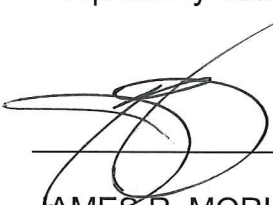
#### **PRAYER**

For the above reasons, Plaintiffs request that Defendants be cited to appear and answer, and that on final trial Plaintiffs have judgment against Defendants for:

- a. All actual damages, general and special, to which they show themselves justly entitled;
- b. Pre-judgment and post-judgment to the extent allowed by law;

- c. All costs incurred in this lawsuit and
- d. Such other and further relief, at law and in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,



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