

DOCKET NO: HHD CV 16 6067438 S	:	SUPERIOR COURT
	:	
JOSHUA ISAAC MONROE LYNCH ppa	:	J. D. OF HARTFORD
AARON LYNCH and JEAN-MARIE MONROE-	:	
LYNCH; AARON LYNCH and JEAN-MARIE	:	AT HARTFORD
MONROE-LYNCH, ADMINISTRATORS OF	:	
THE ESTATE OF SHAY ASHLAN MONROE	:	
LYNCH; AARON LYNCH, INDIVIDUALLY; and	:	
JEAN-MARIE MONROE-LYNCH,	:	
INDIVIDUALLY	:	
	:	
V.	:	
	:	
STATE OF CONNECTICUT, CALIFORNIA	:	
CRYOBANK LLC, CALIFORNIA CROYBANK	:	
STEM CELL SERVICES LLC, and CRYOBANK	:	
HOLDING LLC	:	February 25, 2019

REVISED COMPLAINT

COUNT ONE (Joshua Isaac Monroe Lynch ppa Aaron Lynch and Jean-Marie Monroe-Lynch v. State of Connecticut - negligent fertility treatment)

1. The plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, bring this action as the parents and next friends of the minor plaintiff, Joshua Isaac Monroe Lynch.

2. At all times mentioned herein, Claudio Benadiva, M.D. was a licensed physician engaged in the practice of medicine in the State of Connecticut.

3. At all times mentioned herein, according to publicly available information, Claudio Benadiva, M.D. was and is Board Certified in Obstetrics & Gynecology and Reproductive Endocrinology and Infertility.

4. At all times mentioned herein, Claudio Benadiva, M.D. was an agent, servant, and/or employee of the defendant, State of Connecticut.

5. At all times mentioned herein, Glorimar Diaz, R.N. was licensed to practice and was engaged in rendering healthcare services in the State of Connecticut.

6. At all times mentioned herein, Glorimar Diaz, R.N. was an agent, servant, and/or employee of the defendant, State of Connecticut.

7. At all times mentioned herein, Debra Raboin, R.N., was licensed to practice and was engaged in rendering healthcare services in the State of Connecticut.

8. At all times mentioned herein, Debra Raboin, R.N. was an agent, servant, and/or employee of the defendant, State of Connecticut.

9. At all times mentioned herein, Kathleen Lillicraf, P.A.-C, was licensed to practice and was engaged in rendering healthcare services in the State of Connecticut.

10. At all times mentioned herein, Kathleen Lillicraf, P.A.-C was an agent, servant, and/or employee of the defendant, State of Connecticut.

11. At all times mentioned herein, Mary Casey Jacob, Ph.D. was licensed to practice and was engaged in rendering healthcare services in the State of Connecticut.

12. At all times mentioned herein, Mary Casey Jacob, Ph.D. was an agent, servant, and/or employee of the defendant, State of Connecticut.

13. At all times mentioned herein, BethAnne Burdick a/k/a BethAnne Shepard was licensed to practice and was engaged in rendering healthcare services in the State of Connecticut.

14. At all times mentioned herein, BethAnne Burdick a/k/a BethAnne Shepard was an agent, servant, and/or employee of the defendant, State of Connecticut.

15. At all times mentioned herein, the defendant, State of Connecticut, operated the University of Connecticut Health Center, including The Center for Advanced Reproductive Services, a licensed healthcare facility located in Farmington, Connecticut, rendering medical care and treatment by and through its principals, agents, servants and/or employees.

16. At all times mentioned herein, the University of Connecticut Health Center was owned and/or operated by the defendant, State of Connecticut.

17. At all times mentioned herein, the Center for Advanced Reproductive Services was owned and/or operated by the defendant, State of Connecticut.

18. On September 3, 2013, the plaintiff, Jean-Marie Monroe-Lynch, presented to Claudio Benadiva, M.D. to discuss participation in the donor insemination program.

19. Blood work ordered by Dr. Benadiva revealed, among other things, that Jean-Marie Monroe-Lynch tested negative for cytomegalovirus (hereinafter referred to as "CMV").

20. CMV is a common viral infection which, when contracted by a healthy adult, causes little or no symptoms. The individual then carries the diagnosis of “CMV positive”, most times unknowingly, for the rest of their life.

21. CMV poses the greatest risk when contracted for the first time by a woman, who was otherwise CMV negative, during her pregnancy.

22. When CMV is passed to a fetus, also known as congenital CMV, it can cause a fetus serious neurodevelopmental sequelae, including cerebral palsy, intellectual disability, vision impairment, seizures, and sensorineural hearing loss.

23. Recognizing the significant risks associated with congenital CMV, Dr. Benadiva enacted written policies and procedures which required that sperm exclusively from CMV negative donors be used for fertility treatments rendered to CMV negative patients like Jean-Marie Monroe-Lynch. Said written policies and procedures applied to the agents, servants, and/or employees of the defendant, State of Connecticut, identified above and were in full force and effect during the medical care and treatment rendered to the plaintiffs by said agents, servants, and/or employees. The risks associated with congenital CMV were not communicated to the plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, nor were the plaintiffs advised that they could only use sperm from CMV negative donors for their fertility treatment.

24. After the initial consultation and medical evaluations, Jean-Marie Monroe-Lynch was approved to begin fertility treatment. As part of this process, the plaintiffs,

Aaron Lynch and Jean-Marie Monroe-Lynch, were instructed to submit their sperm donor choices to the defendant for approval. The plaintiffs' initial donor choices, both identified as being CMV negative, were approved by the defendant. Subsequently, vials of the approved donors' sperm were purchased by the plaintiffs from California Cryobank and were forwarded by California Cryobank directly to the defendant.

25. During late 2013, therapeutic donor insemination and in vitro fertilization were performed by the defendant on Jean-Marie Monroe-Lynch using the previously approved sperm, which efforts were unsuccessful.

26. On December 23, 2013, the plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, met with Dr. Benadiva to discuss further treatment options, at which time Dr. Benadiva recommended surgery to evaluate Jean-Marie Monroe-Lynch's fallopian tubes.

27. On February 6, 2014, a laparoscopy and left tubal cannulation was performed by Dr. Benadiva at John Dempsey Hospital.

28. On February 21, 2014, Dr. Benadiva advised the plaintiffs that Jean-Marie Monroe-Lynch's chances of becoming pregnant should be improved following the February 6, 2014 procedure and that she was again a candidate for therapeutic donor insemination.

29. In advance of the therapeutic donor insemination, the plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, were advised that additional sperm was required

because insufficient sperm remained from their previously purchased vials. Because additional vials of sperm were not available from their previously chosen and approved donors, the plaintiffs were instructed to choose a new donor.

30. As in the past, the plaintiffs purchased sperm from California Cryobank which was forwarded by California Cryobank directly to the defendant, which accepted the sperm.

31. Unbeknownst to them, and without knowing of the risks and dangers associated therewith, the plaintiffs had selected sperm from a CMV positive donor.

32. In direct violation of its own written policies and procedures, the defendant approved and authorized the selection of sperm from a CMV positive donor for the plaintiff, a CMV negative recipient. The defendant also accepted the sperm which was sent directly to it by California Cryobank. In doing so, the defendant failed to detect, appreciate, and/or recognize the risks associated with use of said donor sperm and/or failed to inform the plaintiffs of said risks.

33. On May 11, 2014 therapeutic donor insemination was performed on Jean-Marie Monroe-Lynch by the defendant using sperm from the CMV positive donor, which procedure resulted in a twin pregnancy.

34. During the course of her pregnancy, Jean-Marie Monroe-Lynch received her prenatal care and treatment at The University of Connecticut Health Center.

35. As part of her prenatal care Jean-Marie Monroe-Lynch underwent regular ultrasounds and non-stress testing.

36. On January 13, 2015, when she was 37 weeks pregnant, Jean-Marie Monroe-Lynch presented for a previously scheduled non-stress test at The University of Connecticut Health Center, at which time it was determined that Baby A, Shay Ashlan Monroe Lynch, had died in utero. A determination was made to urgently proceed with the deliveries of both babies.

37. Baby A, Shay Ashlan Monroe Lynch, and Baby B, Joshua Isaac Monroe Lynch, were delivered via cesarean section on January 13, 2015. Testing performed following delivery established that Shay Ashlan Monroe Lynch died in utero due to a CMV infection and that the minor plaintiff, Joshua Isaac Monroe Lynch, also developed CMV in utero.

38. Agents, servants, and/or employees of the defendant, State of Connecticut, including Claudio Benadiva, M.D., Glorimar Diaz, R.N., Debra Raboin, R.N., Kathleen Lillicraf, PA-C, Mary Casey Jacob, Ph.D., BethAnne Burdick, BethAnne Shepard, and potentially other, as of yet unidentified, employees, were part of the team that provided fertility treatment, care, and counseling to Jean-Marie Monroe-Lynch in advance of her pregnancy. Said individuals were responsible for providing, managing, and/or overseeing the fertility treatment, care, and counseling rendered to Jean-Marie

Monroe-Lynch, including but not limited to the review and approval of all sperm used for fertility treatments.

39. As a result of the defendant's negligence as hereinafter set forth, the minor plaintiff, Joshua Isaac Monroe Lynch, developed congenital CMV which caused him to sustain significant and permanent neurological, developmental and health problems, and has placed him at risk in the future for numerous other illnesses and health problems, with all of the pain, suffering, and disruption of life's activities associated therewith.

40. The injuries and losses sustained and suffered by the minor plaintiff, Joshua Isaac Monroe Lynch, as more fully set forth herein, were caused by the carelessness, negligence and medical malpractice of the defendant, State of Connecticut, acting through its agents, servants and/or employees, in one or more of the following ways:

- (a) IN THAT it failed to communicate to the plaintiffs the significance, consequences, and risks of being inseminated with sperm from a CMV positive donor, given Jean-Marie Monroe-Lynch's CMV negative status;
- (b) IN THAT it failed to properly evaluate and examine the patient and/or the patient's chart to determine the patient's CMV status prior to accepting sperm from a CMV positive donor;
- (c) IN THAT it failed to take the necessary steps to protect against a congenital CMV infection, when it knew, or should have known, that the patient tested negative for CMV and was at risk for developing a primary

CMV infection during pregnancy which significantly increased the risk of a congenital CMV infection in a fetus;

- (d) IN THAT it failed to detect that the plaintiff had selected sperm from a CMV positive donor;
- (e) IN THAT, contrary to its own written policy, it permitted the use of sperm from a CMV positive donor in the plaintiff, a CMV negative recipient;
- (f) IN THAT it failed to determine the patient's suitability for using sperm from a CMV positive donor prior to performing the May 11, 2014 therapeutic donor insemination;
- (g) IN THAT it failed to appreciate the seriousness of the risks and potential complications of using sperm from a CMV positive donor when inseminating a CMV negative patient, and failed to proceed in a manner commensurate with the associated risks;
- (h) IN THAT it failed to institute a policy, procedure, and/or protocol, and failed to enforce its own written and established policy, wherein the CMV status of a patient and donor sperm are verified prior to proceeding with therapeutic donor insemination;
- (i) IN THAT it inseminated a CMV negative patient with sperm from a CMV positive donor, when it knew, or should have known, of the substantial risks associated therewith;
- (j) IN THAT it allowed a CMV negative patient to be inseminated with CMV positive donor sperm without informing the patient of all of the associated risks;
- (k) IN THAT it allowed a CMV negative patient to be inseminated with CMV positive donor sperm without providing the patient a full disclosure of the risks of doing so, and without obtaining written informed consent from the patient confirming her decision to proceed with the insemination procedure using sperm from a CMV positive donor;
- (l) IN THAT it failed to consider and utilize sperm from a CMV negative donor, which would have eliminated the risk of CMV transmission from the

positive donor sperm which was used for the May 11, 2014 therapeutic donor insemination;

- (m) IN THAT, after inseminating a CMV negative patient with sperm from a CMV positive donor, it failed to appropriately monitor the patient during her pregnancy for any signs or symptoms of CMV; and/or
- (n) IN THAT it failed to inform the patient's obstetrical team of the fact that it had inseminated a CMV negative patient with sperm from a CMV positive donor and failed to recommend that the obstetrical team closely monitor the patient during her pregnancy for any signs or symptoms of CMV.

41. As a direct and proximate result of the defendant's aforementioned conduct, the minor plaintiff, Joshua Isaac Monroe Lynch, was caused grievous and serious bodily harm and was caused to sustain and suffer the following permanent, long-term, debilitating and life altering injuries:

- (a) Congenital cytomegalovirus infection with all of the related and resulting past, present, and future medical and health conditions and problems;
- (b) Permanent neurologic injuries, resulting in cognitive deficits, altered mental status, developmental delays, and gross impairments of sensory and motor neurological functions;
- (c) Microcephaly;
- (d) Hepatosplenomegaly;
- (e) Hepatitis;
- (f) A choledocal cyst;
- (g) Hyperbilirubinemia;
- (h) Cholestasis;

- (i) The inability to properly eat and digest food, thereby requiring that nutritional support to be provided through a gastrostomy feeding tube;
- (j) Hypocalcemia;
- (k) Neutropenia;
- (l) Thrombocytopenia;
- (m) Bilateral sensorineural hearing loss;
- (n) Impaired vision;
- (o) Repeated and chronic illnesses, including pneumonias, systemic infections, fevers, and associated symptoms; and
- (p) Seizures.

42. As a further direct and proximate result of the negligent acts and omissions of the defendant, the minor plaintiff, Joshua Isaac Monroe Lynch, sustained and endured severe physical pain, suffering, discomfort, fear, and a severe shock to his entire nervous system. Said severe physical pain, suffering, discomfort, fear and shock continues on a regular basis, every day from the date of Joshua's birth to the present and continuing into the future.

43. As a further direct and proximate result of the negligent acts and omissions of the defendant, the minor plaintiff, Joshua Isaac Monroe Lynch, has been impacted in his ability to enjoy life to the same extent and in the same manner as he otherwise would have been able to.

44. As a further direct and proximate result of the negligent acts and omissions of the defendant, the minor plaintiff, Joshua Isaac Monroe Lynch, has been required to and will continue to be required to undergo extensive, ongoing, and lifelong medical treatment with all the attendant risks and complications associated therewith.

45. As a further direct and proximate result of the negligent acts and omissions of the defendant, the plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, as the parents and next friends of the minor plaintiff, Joshua Isaac Monroe Lynch, have incurred the necessary expenses and services of health care providers, including extensive neonatal care and hospitalization, emergency department care, multiple hospitalizations, physicians, specialists, round-the-clock nursing care and medical assistance, pharmaceutical and other related products and services, and will likely incur similar expenses in the future, all to their special loss and damage. Furthermore, the minor plaintiff, Joshua Isaac Monroe Lynch, will incur similar expenses upon reaching the age of eighteen and for the remainder of his life.

46. As a further direct and proximate result of the negligent acts and omissions of the defendants, the minor plaintiff's earning capacity has been severely limited and/or completely destroyed.

47. Some or all of Joshua Isaac Monroe Lynch's injuries are of a permanent nature.

48. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs' permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

49. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT TWO (Aaron Lynch and Jean-Marie Monroe-Lynch, Administrators of the Estate of Shay Ashlan Monroe Lynch v. State of Connecticut - negligent fertility treatment)

1. On or about April 15, 2015, the plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, were duly appointed the Administrators of the Estate of their late daughter, Shay Ashlan Monroe Lynch, by the Probate Court for the District of Bristol, Connecticut, and they are duly authorized to act in such capacity.

2-38. Paragraphs 2 through 38 of Count One are hereby incorporated as paragraphs 2 through 38 of Count Two as if fully set forth herein.

39. The injuries and losses sustained and suffered by the plaintiffs' decedent, Shay Ashlan Monroe Lynch, as more fully set forth herein, were caused by the carelessness, negligence and medical malpractice of the defendant, State of Connecticut, acting through its agents, servants and/or employees, in one or more of the following ways:

- (a) IN THAT it failed to communicate to the plaintiffs the significance, consequences, and risks of being inseminated with sperm from a CMV positive donor, given Jean-Marie Monroe-Lynch's CMV negative status;
- (b) IN THAT it failed to properly evaluate and examine the patient and/or the patient's chart to determine the patient's CMV status prior to accepting sperm from a CMV positive donor;
- (c) IN THAT it failed to take the necessary steps to protect against a congenital CMV infection, when it knew, or should have known, that the patient tested negative for CMV and was at risk for developing a primary CMV infection during pregnancy which significantly increased the risk of a congenital CMV infection in a fetus;
- (d) IN THAT it failed to detect that the plaintiff had selected sperm from a CMV positive donor;
- (e) IN THAT, contrary to its own written policy, it permitted the use of sperm from a CMV positive donor in the plaintiff, a CMV negative recipient;
- (f) IN THAT it failed to determine the patient's suitability for using sperm from a CMV positive donor prior to performing the May 11, 2014 therapeutic donor insemination;
- (g) IN THAT it failed to appreciate the seriousness of the risks and potential complications of using sperm from a CMV positive donor when inseminating a CMV negative patient, and failed to proceed in a manner commensurate with the associated risks;
- (h) IN THAT it failed to institute a policy, procedure, and/or protocol, and failed to enforce its own written and established policy, wherein the CMV status of a patient and donor sperm are verified prior to proceeding with therapeutic donor insemination;
- (i) IN THAT it inseminated a CMV negative patient with sperm from a CMV positive donor, when it knew, or should have known, of the substantial risks associated therewith;

- (j) IN THAT it allowed a CMV negative patient to be inseminated with CMV positive donor sperm without informing the patient of all of the associated risks;
- (k) IN THAT it allowed a CMV negative patient to be inseminated with CMV positive donor sperm without providing the patient a full disclosure of the risks of doing so, and without obtaining written informed consent from the patient confirming her decision to proceed with the insemination procedure using sperm from a CMV positive donor;
- (l) IN THAT it failed to consider and utilize sperm from a CMV negative donor, which would have eliminated the risk of CMV transmission from the positive donor sperm which was used for the May 11, 2014 therapeutic donor insemination;
- (m) IN THAT, after inseminating a CMV negative patient with sperm from a CMV positive donor, it failed to appropriately monitor the patient during her pregnancy for any signs or symptoms of CMV; and/or
- (n) IN THAT it failed to inform the patient's obstetrical team of the fact that it had inseminated a CMV negative patient with sperm from a CMV positive donor and failed to recommend that the obstetrical team closely monitor the patient during her pregnancy for any signs or symptoms of CMV.

40. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiffs' decedent, Shay Ashlan Monroe Lynch, was caused to develop CMV and to die in utero.

41. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiffs' decedent, Shay Ashlan Monroe Lynch, sustained and endured conscious pain, suffering, discomfort, and a severe shock to her entire nervous system prior to the time of her death.

42. As a further direct and proximate result of the defendant's aforementioned conduct, Shay Ashlan Monroe Lynch was permanently deprived of the enjoyment of life, the opportunity to fulfill life's expectations and the ability to carry on life's activities, including the ability to earn wages and benefits.

43. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, as the administrators of the Estate of Shay Ashlan Monroe Lynch, have become financially obligated for the decedent's funeral and burial expenses.

44. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

45. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT THREE (Aaron Lynch, Individually v. State of Connecticut - negligent fertility treatment)

1. At all times mentioned herein the plaintiff, Aaron Lynch, was the husband of the plaintiff, Jean-Marie Monroe-Lynch, and the father, legal parent, and guardian of Shay Ashlan Monroe Lynch and Joshua Isaac Monroe Lynch. The plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, are residents of Bristol, Connecticut.

2-38. Paragraphs 2 through 38 of Count One are hereby incorporated as paragraphs 2 through 38 of Count Three as if fully set forth herein.

39. As a result of the defendant's negligence as hereinafter set forth, the plaintiff's daughter, Shay Ashlan Monroe Lynch, developed congenital CMV which caused her to die in utero and the plaintiff's son, Joshua Isaac Monroe Lynch, developed congenital CMV which caused him to sustain significant and permanent neurological, developmental and health problems, and has placed him at risk in the future for numerous other illnesses and health problems, with all of the pain, suffering, and disruption of life's activities associated therewith.

40. The injuries and losses sustained and suffered by the plaintiff, Aaron Lynch, as more fully set forth herein, were caused by the carelessness, negligence and medical malpractice of the defendant, State of Connecticut, acting through its agents, servants and/or employees, in one or more of the following ways:

- (a) IN THAT it failed to communicate to the plaintiffs the significance, consequences, and risks of being inseminated with sperm from a CMV positive donor, given Jean-Marie Monroe-Lynch's CMV negative status;
- (b) IN THAT it failed to properly evaluate and examine the patient and/or the patient's chart to determine the patient's CMV status prior to accepting sperm from a CMV positive donor;
- (c) IN THAT it failed to take the necessary steps to protect against a congenital CMV infection, when it knew, or should have known, that the patient tested negative for CMV and was at risk for developing a primary

CMV infection during pregnancy which significantly increased the risk of a congenital CMV infection in a fetus;

- (d) IN THAT it failed to detect that the plaintiff had selected sperm from a CMV positive donor;
- (e) IN THAT, contrary to its own written policy, it permitted the use of sperm from a CMV positive donor in the plaintiff, a CMV negative recipient;
- (f) IN THAT it failed to determine the patient's suitability for using sperm from a CMV positive donor prior to performing the May 11, 2014 therapeutic donor insemination;
- (g) IN THAT it failed to appreciate the seriousness of the risks and potential complications of using sperm from a CMV positive donor when inseminating a CMV negative patient, and failed to proceed in a manner commensurate with the associated risks;
- (h) IN THAT it failed to institute a policy, procedure, and/or protocol, and failed to enforce its own written and established policy, wherein the CMV status of a patient and donor sperm are verified prior to proceeding with therapeutic donor insemination;
- (i) IN THAT it inseminated a CMV negative patient with sperm from a CMV positive donor, when it knew, or should have known, of the substantial risks associated therewith;
- (j) IN THAT it allowed a CMV negative patient to be inseminated with CMV positive donor sperm without informing the patient of all of the associated risks;
- (k) IN THAT it allowed a CMV negative patient to be inseminated with CMV positive donor sperm without providing the patient a full disclosure of the risks of doing so, and without obtaining written informed consent from the patient confirming her decision to proceed with the insemination procedure using sperm from a CMV positive donor;
- (l) IN THAT it failed to consider and utilize sperm from a CMV negative donor, which would have eliminated the risk of CMV transmission from the

positive donor sperm which was used for the May 11, 2014 therapeutic donor insemination;

- (m) IN THAT, after inseminating a CMV negative patient with sperm from a CMV positive donor, it failed to appropriately monitor the patient during her pregnancy for any signs or symptoms of CMV; and/or
- (n) IN THAT it failed to inform the patient's obstetrical team of the fact that it had inseminated a CMV negative patient with sperm from a CMV positive donor and failed to recommend that the obstetrical team closely monitor the patient during her pregnancy for any signs or symptoms of CMV.

41. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff has been required to attend to, manage, oversee, and provide for the extensive, ongoing, and lifelong medical care and treatment now required for his son, Joshua Isaac Monroe Lynch.

42. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff has incurred the necessary expenses and services required for his son, Joshua Isaac Monroe Lynch, consisting of health care providers, including emergency department care, multiple hospitalizations, physicians, specialists, requiring round-the-clock nursing care and medical assistance, pharmaceutical and other related products and services, and will likely incur similar expenses in the future, all to his special loss and damage.

43. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff's earning capacity has been affected and his range of professional opportunities and career choices has now been curtailed.

44. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff's ability to enjoy life has been significantly impaired, and he will no longer be able to engage in or enjoy the usual and normal day to day activities of life to the same extent and in the same manner as he was previously able to do.

45. Some or all of the plaintiff's injuries and damages are permanent in nature.

46. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

47. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT FOUR (Jean-Marie Monroe-Lynch, Individually v. State of Connecticut - negligent fertility treatment)

1. At all times mentioned herein the plaintiff, Jean-Marie Monroe-Lynch, was the wife of the plaintiff, Aaron Lynch, and the mother, legal parent, and guardian of Shay Ashlan Monroe Lynch and Joshua Isaac Monroe Lynch. The plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, are residents of Bristol, Connecticut.

2-39. Paragraphs 2 through 39 of Count Three are hereby incorporated as paragraphs 2 through 39 of Count Four as if fully set forth herein.

40. The injuries and losses sustained and suffered by the plaintiff, Jean-Marie Monroe-Lynch, as more fully set forth herein, were caused by the carelessness, negligence and medical malpractice of the defendant, State of Connecticut, acting through its agents, servants and/or employees, in one or more of the following ways:

- (a) IN THAT it failed to communicate to the plaintiffs the significance, consequences, and risks of being inseminated with sperm from a CMV positive donor, given Jean-Marie Monroe-Lynch's CMV negative status;
- (b) IN THAT it failed to properly evaluate and examine the patient and/or the patient's chart to determine the patient's CMV status prior to accepting sperm from a CMV positive donor;
- (c) IN THAT it failed to take the necessary steps to protect against a congenital CMV infection, when it knew, or should have known, that the patient tested negative for CMV and was at risk for developing a primary CMV infection during pregnancy which significantly increased the risk of a congenital CMV infection in a fetus;
- (d) IN THAT it failed to detect that the plaintiff had selected sperm from a CMV positive donor;
- (e) IN THAT, contrary to its own written policy, it permitted the use of sperm from a CMV positive donor in the plaintiff, a CMV negative recipient;
- (f) IN THAT it failed to determine the patient's suitability for using sperm from a CMV positive donor prior to performing the May 11, 2014 therapeutic donor insemination;
- (g) IN THAT it failed to appreciate the seriousness of the risks and potential complications of using sperm from a CMV positive donor when inseminating a CMV negative patient, and failed to proceed in a manner commensurate with the associated risks;

- (h) IN THAT it failed to institute a policy, procedure, and/or protocol, and failed to enforce its own written and established policy, wherein the CMV status of a patient and donor sperm are verified prior to proceeding with therapeutic donor insemination;
- (i) IN THAT it inseminated a CMV negative patient with sperm from a CMV positive donor, when it knew, or should have known, of the substantial risks associated therewith;
- (j) IN THAT it allowed a CMV negative patient to be inseminated with CMV positive donor sperm without informing the patient of all of the associated risks;
- (k) IN THAT it allowed a CMV negative patient to be inseminated with CMV positive donor sperm without providing the patient a full disclosure of the risks of doing so, and without obtaining written informed consent from the patient confirming her decision to proceed with the insemination procedure using sperm from a CMV positive donor;
- (l) IN THAT it failed to consider and utilize sperm from a CMV negative donor, which would have eliminated the risk of CMV transmission from the positive donor sperm which was used for the May 11, 2014 therapeutic donor insemination;
- (m) IN THAT, after inseminating a CMV negative patient with sperm from a CMV positive donor, it failed to appropriately monitor the patient during her pregnancy for any signs or symptoms of CMV; and/or
- (n) IN THAT it failed to inform the patient's obstetrical team of the fact that it had inseminated a CMV negative patient with sperm from a CMV positive donor and failed to recommend that the obstetrical team closely monitor the patient during her pregnancy for any signs or symptoms of CMV.

41. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Jean-Marie Monroe-Lynch, was caused grievous and serious

bodily harm and was caused to sustain and suffer permanent, long-term, debilitating and life altering injuries including but not limited to:

- (a) The development of CMV while pregnant;
- (b) Vision loss and visual impairment; and
- (c) Retinitis.

42. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff has incurred the necessary expenses and services of healthcare providers, including physicians, medical and pharmaceutical supplies, and other related products and services, and will continue to incur similar expenses in the future, all to her special loss and detriment.

43. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff has sustained and endured, and will continue to sustain and endure into the future, conscious physical and emotional pain, suffering, discomfort, anguish, and a shock to her entire nervous system.

44. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff's ability to enjoy life has been significantly impaired, and she will no longer be able to engage in or enjoy the usual and normal day to day activities of life to the same extent and in the same manner as she was previously able to do.

45. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff has been required to attend to, manage, oversee, and provide for

the extensive, ongoing, and lifelong medical care and treatment now required for her son, Joshua Isaac Monroe Lynch.

46. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff has incurred the necessary expenses and services required for her son, Joshua Isaac Monroe Lynch, consisting of health care providers, including emergency department care, multiple hospitalizations, physicians, specialists, requiring round-the-clock nursing care and medical assistance, pharmaceutical and other related products and services, and will likely incur similar expenses in the future, all to her special loss and damage.

47. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff's earning capacity has been affected and her range of professional opportunities and career choices has now been curtailed.

48. Some or all of the plaintiff's injuries and damages are permanent in nature.

49. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

50. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT FIVE (Aaron Lynch, Individually v. State of Connecticut – negligent fertility treatment filial consortium as to Joshua)

1-40. Paragraphs 1 through 40 of Count Three are hereby incorporated as paragraphs 1 through 40 of Count Five as if fully set forth herein.

41. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Aaron Lynch, was caused to suffer the loss of the companionship and society, care, affection, comfort, services, and moral support of his son Joshua Isaac Monroe Lynch.

42. As a further result of the defendant's conduct, the plaintiff, Aaron Lynch, has been required to provide assistance to his son Joshua Isaac Monroe Lynch in terms of the basic tasks of daily hygiene, ambulation, nutrition, and medical care and services.

43. Some or all of the plaintiff's injuries and damages are permanent in nature.

44. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

45. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT SIX (Aaron Lynch, Individually v. State of Connecticut – negligent fertility treatment filial consortium as to Shay)

1-40. Paragraphs 1 through 40 of Count Three are hereby incorporated as paragraphs 1 through 40 of Count Six as if fully set forth herein.

41. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Aaron Lynch, was caused to suffer the loss of the companionship and society, care, affection, comfort, services, and moral support of his daughter Shay Ashlan Monroe Lynch.

42. Some or all of the plaintiff's injuries and damages are permanent in nature.

43. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

44. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT SEVEN (Jean-Marie Monroe-Lynch, Individually v. State of Connecticut – negligent fertility treatment filial consortium as to Joshua)

1-40. Paragraphs 1 through 40 of Count Four are hereby incorporated as paragraphs 1 through 40 of Count Seven as if fully set forth herein.

41. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Jean-Marie Monroe-Lynch, was caused to suffer the loss of the

companionship and society, care, affection, comfort, services, and moral support of her son Joshua Isaac Monroe Lynch.

42. As a further result of the defendant's conduct, the plaintiff, Jean-Marie Monroe-Lynch, has been required to provide assistance to her son Joshua Isaac Monroe Lynch in terms of the basic tasks of daily hygiene, ambulation, nutrition, and medical care and services.

43. Some or all of the plaintiff's injuries and damages are permanent in nature.

44. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

45. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT EIGHT (Jean-Marie Monroe-Lynch, Individually v. State of Connecticut – negligent fertility treatment filial consortium as to Shay)

1-40. Paragraphs 1 through 40 of Count Four are hereby incorporated as paragraphs 1 through 40 of Count Eight as if fully set forth herein.

41. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Jean-Marie Monroe-Lynch, was caused to suffer the loss of the

companionship and society, care, affection, comfort, services, and moral support of her daughter Shay Ashlan Monroe Lynch.

42. Some or all of the plaintiff's injuries and damages are permanent in nature.

43. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

44. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT NINE (Aaron Lynch, Individually v. State of Connecticut – negligent fertility treatment negligent infliction of emotional distress)

1-40. Paragraphs 1 through 40 of Count Three are hereby incorporated as paragraphs 1 through 40 of Count Nine as if fully set forth herein.

41. The defendant knew or should have known that its actions would create an unreasonable risk of causing emotional harm or distress, or other bodily injury, to the plaintiff, Aaron Lynch.

42. As a direct and proximate result of the defendant's aforementioned conduct, after expending considerable time, money, and emotional resources in their efforts to conceive, and after being informed of the joyous news that his wife was pregnant with twins, and after enduring the challenges and rigors, as well as the hopes

and expectations, of a full term pregnancy, the plaintiff, Aaron Lynch, was caused to experience the devastating news of Shay's death in utero and Joshua's extensive and lifelong debilitating disabilities, and was forced to endure with his wife all of the pain and anguish of delivering a dead child as well as the lifelong care of a child with multiple debilitating and lifelong disabilities and impairments, with all of the emotional and psychological trauma associated therewith at the time, to this day and continuing into the future.

43. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Aaron Lynch, has suffered significant mental and emotional distress and anguish, requiring medical treatment and management, and has therefore suffered damages.

44. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff has sustained and endured, and will continue to sustain and endure into the future, conscious physical and emotional pain, suffering, discomfort, anguish, and a shock to his entire nervous system.

45. Some or all of the plaintiff's injuries and damages are permanent in nature.

46. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

47. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT TEN (JEAN-MARIE MONROE-Lynch, Individually v. State of Connecticut – negligent fertility treatment negligent infliction of emotional distress)

1-40. Paragraphs 1 through 40 of Count Four are hereby incorporated as paragraphs 1 through 40 of Count Ten as if fully set forth herein.

41. The defendant knew or should have known that its actions would create an unreasonable risk of causing emotional harm or distress, or other bodily injury, to the plaintiff, Jean-Marie Monroe-Lynch.

42. As a direct and proximate result of the defendant's aforementioned conduct, after expending considerable time, money, and emotional resources in their efforts to conceive, and after being informed of the joyous news that she was pregnant with twins, and after enduring the challenges and rigors, as well as the hopes and expectations, of a full term pregnancy, the plaintiff, Jean-Marie Monroe-Lynch, was caused to experience the devastating news of Shay's death in utero and Joshua's extensive and lifelong debilitating disabilities, and was forced to endure with her husband all of the pain and anguish of delivering a dead child as well as the lifelong care of a child with multiple debilitating and lifelong disabilities and impairments, with all

of the emotional and psychological trauma associated therewith at the time, to this day and continuing into the future.

43. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Jean-Marie Monroe-Lynch, has suffered significant mental and emotional distress and anguish, requiring medical treatment and management, and has therefore suffered damages.

44. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff has sustained and endured, and will continue to sustain and endure into the future, conscious physical and emotional pain, suffering, discomfort, anguish, and a shock to her entire nervous system.

45. Some or all of the plaintiff's injuries and damages are permanent in nature.

46. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

47. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT ELEVEN (Joshua Isaac Monroe Lynch ppa Aaron Lynch and Jean-Marie Monroe-Lynch v. State of Connecticut - negligent prenatal treatment)

1. The plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, bring this action as the parents and next friends of the minor plaintiff, Joshua Isaac Monroe Lynch.

2-19. Paragraphs 18 through 35 of Count One are hereby incorporated as paragraphs 2 through 19 of Count Eleven as if fully set forth herein.

20. An ultrasound performed on October 2, 2014 at the University of Connecticut Health Center chronicled abnormal findings including hyperechoic bowel in both Baby A and Baby B. The ultrasound report described "increased echogenicity of the bowel...This has been associated with meconium peritonitis, Down's Syndrome, cystic fibrosis, intragut blood and CMV infections."

21. Despite these abnormal findings, no follow-up was ordered by the defendant, State of Connecticut, acting through its agents, servants, and/or employees, with respect to the abnormal ultrasound findings to determine their cause.

22. Approximately three months following the October 2, 2014 ultrasound, on January 9, 2015, when she was 38 weeks pregnant, Jean-Marie Monroe-Lynch presented for a previously scheduled non-stress test at The University of Connecticut Health Center. Results of the non-stress test were nonreactive with no decelerations for

Baby A. In view of these findings, a biophysical profile was performed, following which Jean-Marie Monroe-Lynch was discharged home.

23. Four days later, on January 13, 2015, Jean-Marie Monroe-Lynch presented for a previously scheduled non-stress test at The University of Connecticut Health Center, at which time it was determined that Baby A, Shay Ashlan Monroe Lynch, had died in utero.

24. Baby A, Shay Ashlan Monroe Lynch, and Baby B, Joshua Isaac Monroe Lynch, were delivered via cesarean section on January 13, 2015. Testing performed following delivery established that Shay Ashlan Monroe Lynch died in utero due to a CMV infection and that the minor plaintiff, Joshua Isaac Monroe Lynch, also developed CMV in utero.

25. Employees of the defendant, State of Connecticut, including but not limited to Cathleen Campbell, M.D., Shannon Degroff, M.D., and Deborah Hintz, APRN, and potentially other, as of yet unidentified, employees, were part of the team that provided prenatal treatment, care, and counseling to Jean-Marie Monroe-Lynch at the University of Connecticut Health Center. Said individuals were responsible for providing, managing, and/or overseeing the prenatal treatment, care, and counseling rendered to Jean-Marie Monroe-Lynch at the University of Connecticut Health Center, including but not limited to the review, interpretation, and analysis of all physical

examinations, diagnostic imaging studies, lab results, ultrasounds, and non-stress tests performed with respect to Jean-Marie Monroe-Lynch and her pregnancy.

26. As a result of the defendant's negligence as hereinafter set forth, the plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, were not advised that Baby A and Baby B had developed congenital CMV, and were not counseled with respect to the treatment options available to them and the recommended treatment plan, which would have included a recommendation that the pregnancy be terminated in view of the significant risks associated with congenital CMV. As a result, the minor plaintiff, Joshua Isaac Monroe Lynch, was born with a congenital CMV infection causing him to sustain significant and permanent neurological, developmental and health problems, and has placed him at risk in the future for numerous other illnesses and health problems, with all of the pain, suffering, and disruption of life's activities associated therewith.

27. The injuries and losses sustained and suffered by the minor plaintiff, Joshua Isaac Monroe Lynch, as more fully set forth herein, were caused by the carelessness, negligence and medical malpractice of the defendant, State of Connecticut, acting through its agents, servants and/or employees, in one or more of the following ways:

- (a) IN THAT it failed to properly detect, appreciate, and respond to the findings of the patient's October 2, 2014 fetal ultrasound;

- (b) IN THAT it failed to properly inquire, assess, and investigate the cause of the hyperechoic bowel finding on the patient's October 2, 2014 fetal ultrasound;
- (c) IN THAT, knowing the results of the patient's October 2, 2014 fetal ultrasound, it failed to take the necessary steps to diagnose CMV as the cause of the hyperechoic bowel;
- (d) IN THAT it failed to consider and employ any form of follow up treatment for the hyperechoic bowel findings, despite knowing that the patient had tested negative for CMV while undergoing fertility treatment in advance of her pregnancy;
- (e) IN THAT it failed to appreciate the seriousness of the hyperechoic bowel finding on the patient's October 2, 2014 fetal ultrasound and failed to respond in a manner commensurate with the patient's presentation;
- (f) IN THAT it failed to advise the patient that follow up medical treatment was required based upon the October 2, 2014 fetal ultrasound results, in order to determine the cause of the hyperechoic bowel, and that potentially serious developmental complications and deficits were likely to result with respect to the patient's babies as a consequence of the active CMV infection;
- (g) IN THAT it failed to diagnose that the patient was suffering from an active CMV infection during her pregnancy; and/or
- (h) IN THAT it provided negligent treatment to the patient during the prenatal period insofar as it failed to detect, appreciate, diagnose, and respond to findings suggestive of serious complications and risks to the patient's babies.

28-34. Paragraphs 41 through 47 of Count One are hereby incorporated as paragraphs 28 through 34 of Count Eleven as if fully set forth herein.

COUNT TWELVE (Aaron Lynch, Individually v. State of Connecticut - negligent prenatal treatment)

1. At all times mentioned herein the plaintiff, Aaron Lynch, was the husband of the plaintiff, Jean-Marie Monroe-Lynch, and the father, legal parent, and guardian of Shay Ashlan Monroe Lynch and Joshua Isaac Monroe Lynch. The plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, are residents of Bristol, Connecticut.

2-26. Paragraphs 2 through 26 of Count Eleven are hereby incorporated as paragraphs 2 through 26 of Count Twelve as if fully set forth herein.

27. The injuries and losses sustained and suffered by the plaintiff, Aaron Lynch, as more fully set forth herein, were caused by the carelessness, negligence and medical malpractice of the defendant, State of Connecticut, acting through its agents, servants and/or employees, in one or more of the following ways:

- (a) IN THAT it failed to properly detect, appreciate, and respond to the findings of the patient's October 2, 2014 fetal ultrasound;
- (b) IN THAT it failed to properly inquire, assess, and investigate the cause of the hyperechoic bowel finding on the patient's October 2, 2014 fetal ultrasound;
- (c) IN THAT, knowing the results of the patient's October 2, 2014 fetal ultrasound, it failed to take the necessary steps to diagnose CMV as the cause of the hyperechoic bowel;
- (d) IN THAT it failed to consider and employ any form of follow up treatment for the hyperechoic bowel findings, despite knowing that the patient had tested negative for CMV while undergoing fertility treatment in advance of her pregnancy;

- (e) IN THAT it failed to appreciate the seriousness of the hyperechoic bowel finding on the patient's October 2, 2014 fetal ultrasound and failed to respond in a manner commensurate with the patient's presentation;
- (f) IN THAT it failed to advise the patient that follow up medical treatment was required based upon the October 2, 2014 fetal ultrasound results, in order to determine the cause of the hyperechoic bowel, and that potentially serious developmental complications and deficits were likely to result with respect to the patient's babies as a consequence of the active CMV infection;
- (g) IN THAT it failed to diagnose that the patient was suffering from an active CMV infection during her pregnancy; and/or
- (h) IN THAT it provided negligent treatment to the patient during the prenatal period insofar as it failed to detect, appreciate, diagnose, and respond to findings suggestive of serious complications and risks to the patient's babies.

28-34. Paragraphs 41 through 47 of Count Three are hereby incorporated as paragraphs 28 through 34 of Count Twelve as if fully set forth herein.

COUNT THIRTEEN (Jean-Marie Monroe-Lynch, Individually v. State of Connecticut - negligent prenatal treatment)

1. At all times mentioned herein the plaintiff, Jean-Marie Monroe-Lynch, was the wife of the plaintiff, Aaron Lynch, and the mother, legal parent, and guardian of Shay Ashlan Monroe Lynch and Joshua Isaac Monroe Lynch. The plaintiffs, Aaron Lynch and Jean-Marie Monroe-Lynch, are residents of Bristol, Connecticut.

2-26. Paragraphs 2 through 26 of Count Twelve are hereby incorporated as paragraphs 2 through 26 of Count Thirteen as if fully set forth herein.

27. The injuries and losses sustained and suffered by the plaintiff, Jean-Marie Monroe-Lynch, as more fully set forth herein, were caused by the carelessness, negligence and medical malpractice of the defendant, State of Connecticut, acting through its agents, servants and/or employees, in one or more of the following ways:

- (a) IN THAT it failed to properly detect, appreciate, and respond to the findings of the patient's October 2, 2014 fetal ultrasound;
- (b) IN THAT it failed to properly inquire, assess, and investigate the cause of the hyperechoic bowel finding on the patient's October 2, 2014 fetal ultrasound;
- (c) IN THAT, knowing the results of the patient's October 2, 2014 fetal ultrasound, it failed to take the necessary steps to diagnose CMV as the cause of the hyperechoic bowel;
- (d) IN THAT it failed to consider and employ any form of follow up treatment for the hyperechoic bowel findings, despite knowing that the patient had tested negative for CMV while undergoing fertility treatment in advance of her pregnancy;
- (e) IN THAT it failed to appreciate the seriousness of the hyperechoic bowel finding on the patient's October 2, 2014 fetal ultrasound and failed to respond in a manner commensurate with the patient's presentation;
- (f) IN THAT it failed to advise the patient that follow up medical treatment was required based upon the October 2, 2014 fetal ultrasound results, in order to determine the cause of the hyperechoic bowel, and that potentially serious developmental complications and deficits were likely to result with respect to the patient's babies as a consequence of the active CMV infection;
- (g) IN THAT it failed to diagnose that the patient was suffering from an active CMV infection during her pregnancy; and/or

- (h) IN THAT it provided negligent treatment to the patient during the prenatal period insofar as it failed to detect, appreciate, diagnose, and respond to findings suggestive of serious complications and risks to the patient's babies.

28-37. Paragraphs 41 through 50 of Count Four are hereby incorporated as paragraphs 28 through 37 of Count Thirteen as if fully set forth herein.

COUNT FOURTEEN (Aaron Lynch, Individually v. State of Connecticut – negligent prenatal treatment filial consortium Joshua)

1-27. Paragraphs 1 through 27 of Count Twelve are hereby incorporated as paragraphs 1 through 27 of Count Fourteen as if fully set forth herein.

28. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Aaron Lynch, was caused to suffer the loss of the companionship and society, care, affection, comfort, services, and moral support of his son Joshua Isaac Monroe Lynch.

29. As a further result of the defendant's conduct, the plaintiff, Aaron Lynch, has been required to provide assistance to his son Joshua Isaac Monroe Lynch in terms of the basic tasks of daily hygiene, ambulation, nutrition, and medical care and services.

30. Some or all of the plaintiff's injuries and damages are permanent in nature.

31. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

32. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT FIFTEEN (Jean-Marie Monroe-Lynch, Individually v. State of Connecticut – negligent prenatal treatment filial consortium Joshua)

1-27. Paragraphs 1 through 27 of Count Thirteen are hereby incorporated as paragraphs 1 through 27 of Count Fifteen as if fully set forth herein.

28. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Jean-Marie Monroe-Lynch, was caused to suffer the loss of the companionship and society, care, affection, comfort, services, and moral support of her son Joshua Isaac Monroe Lynch.

29. As a further result of the defendant's conduct, the plaintiff, Jean-Marie Monroe-Lynch, has been required to provide assistance to her son Joshua Isaac Monroe Lynch in terms of the basic tasks of daily hygiene, ambulation, nutrition, and medical care and services.

30. Some or all of the plaintiff's injuries and damages are permanent in nature.

31. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

32. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT SIXTEEN (Aaron Lynch, Individually v. State of Connecticut – negligent prenatal treatment negligent infliction of emotional distress)

1-27. Paragraphs 1 through 27 of Count Twelve are hereby incorporated as paragraphs 1 through 27 of Count Sixteen as if fully set forth herein.

28. The defendant knew or should have known that its actions would create an unreasonable risk of causing emotional harm or distress, or other bodily injury, to the plaintiff, Aaron Lynch.

29. As a direct and proximate result of the defendant's aforementioned conduct, after expending considerable time, money, and emotional resources in their efforts to conceive, and after being informed of the joyous news that his wife was pregnant with twins, and after enduring the challenges and rigors, as well as the hopes and expectations, of a full term pregnancy, the plaintiff, Aaron Lynch, was caused to experience the devastating news of Shay's death in utero and Joshua's extensive and lifelong debilitating disabilities, and was forced to endure with his wife all of the pain and anguish of delivering a dead child as well as the lifelong care of a child with multiple debilitating and lifelong disabilities and impairments, with all of the emotional and

psychological trauma associated therewith at the time, to this day and continuing into the future.

30. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Aaron Lynch, has suffered significant mental and emotional distress and anguish, requiring medical treatment and management, and has therefore suffered damages.

31. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff has sustained and endured, and will continue to sustain and endure into the future, conscious physical and emotional pain, suffering, discomfort, anguish, and a shock to his entire nervous system.

32. Some or all of the plaintiff's injuries and damages are permanent in nature.

33. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

34. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

COUNT SEVENTEEN (JEAN-MARIE MONROE-Lynch, Individually v. State of Connecticut – negligent prenatal treatment negligent infliction of emotional distress)

1-27. Paragraphs 1 through 27 of Count Thirteen are hereby incorporated as paragraphs 1 through 27 of Count Seventeen as if fully set forth herein.

28. The defendant knew or should have known that its actions would create an unreasonable risk of causing emotional harm or distress, or other bodily injury, to the plaintiff, Jean-Marie Monroe-Lynch.

29. As a direct and proximate result of the defendant's aforementioned conduct, after expending considerable time, money, and emotional resources in their efforts to conceive, and after being informed of the joyous news that she was pregnant with twins, and after enduring the challenges and rigors, as well as the hopes and expectations, of a full term pregnancy, the plaintiff, Jean-Marie Monroe-Lynch, was caused to experience the devastating news of Shay's death in utero and Joshua's extensive and lifelong debilitating disabilities, and was forced to endure with her husband all of the pain and anguish of delivering a dead child as well as the lifelong care of a child with multiple debilitating and lifelong disabilities and impairments, with all of the emotional and psychological trauma associated therewith at the time, to this day and continuing into the future.

30. As a direct and proximate result of the defendant's aforementioned conduct, the plaintiff, Jean-Marie Monroe-Lynch, has suffered significant mental and

emotional distress and anguish, requiring medical treatment and management, and has therefore suffered damages.

31. As a further direct and proximate result of the defendant's aforementioned conduct, the plaintiff has sustained and endured, and will continue to sustain and endure into the future, conscious physical and emotional pain, suffering, discomfort, anguish, and a shock to her entire nervous system.

32. Some or all of the plaintiff's injuries and damages are permanent in nature.

33. By finding and order dated January 15, 2016, the Claims Commissioner, J. Paul Vance, Jr., granted the plaintiffs permission to sue the State of Connecticut, pursuant to Connecticut General Statutes § 4-160.

34. Pursuant to Connecticut General Statutes § 52-190a, a certificate of reasonable inquiry and good faith, and a written opinion of a similar healthcare provider, was attached to the plaintiffs' original Complaint.

WHEREFORE, the plaintiffs claim:

1. Money damages;
2. Such other relief as the Court deems just and equitable.

PLAINTIFFS:

By _____ /S/
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