

CIVIL CASE INFORMATION SHEET
CIVIL CASES
(Other than Domestic Relations)

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

I. CASE STYLE:

Plaintiff

DENCIL M. MCGREW

vs.

Defendant

NATHAN R. HATFIELD, M.D.
c/o Amy Rothman Malone, Esquire
Flaherty Sensabaugh Bonasso PLLC
200 Capitol Street
Charleston, West Virginia 25301

Case: 100

Judge: /s/ ALFRED E. FERGUSON

Days to
Answer

30

Type of Service

CERTIFIED MAIL
Via Circuit Clerk

FILED
2022 MAR 17 10 1:34
MAIKE WOODFEL
CIRCUIT CLERK
CABELL COUNTY, WV

Original and 2 copies of complaint enclosed/attached.

PLAINTIFFS: DENCIL M. MCGREW
DEFENDANTS: NATHAN R. HATFIELD, M.D

CASE NUMBER:

II. TYPE OF CASE

- General Civil**
- Mass Litigation
(As defined in T.C.R. Rule XIX (c))
 - Asbestos
 - Carpal Tunnel Syndrome
 - Diet Drugs
 - Environmental
 - Industrial Hearing Loss
 - Silicone Implants
 - Other: _____
- Habeus Corpus/Other Extraordinary Writ
- Adoption
- Administrative Agency Appeal
- Civil Appeal from Magistrate Court
- Miscellaneous Civil Petition
- Mental Hygiene
- Guardianship
- Medical Malpractice
- Other: _____

III. JURY DEMAND: Yes No

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): MARCH 2023

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY?

YES NO

IF YES, PLEASE SPECIFY:

- Wheelchair accessible hearing room and other facilities
- Interpreter or other auxiliary aid for the hearing impaired
- Reader or other auxiliary aid for the visually impaired
- Spokesperson or other auxiliary aid for the speech impaired
- Other: _____

Attorney Name: R. Dean Hartley, Esq.
Mark R. Staun, Esq.

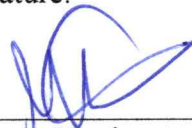
Representing:

Firm: Hartley Law Group, PLLC
Address: 500 Virginia Street, East – Suite 500
Charleston, WV 25301
Telephone: (304) 343-4100

- Plaintiff Defendant
- Cross-Complaint Cross-Defendant
- Proceeding Without an Attorney

Dated: March 17, 2022

Signature:



R. Dean Hartley (WV Bar #1619)
Mark R. Staun (WV Bar #5728)
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IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

DENCIL M. MCGREW

Plaintiff,

v.

Civil Action No: 22-C- 100
Judge /s/ ALFRED E. FERGUSON

NATHAN R. HATFIELD, M.D.

Defendant.

COMPLAINT

NOW COMES Plaintiff Dencil M. McGrew, by counsel, R. Dean Hartley, Mark R. Staun and Hartley Law Group, PLLC and Jeffrey G. Blaydes and Blaydes Law, PLLC and for his Complaint against Nathan R. Hatfield, M.D. states as follows:

PARTIES AND JURISDICTION

1. Plaintiff Dencil M. McGrew (hereinafter sometimes referred to as “Plaintiff or Mr. McGrew”) was at all times relevant to the events underlying this Complaint, a citizen and resident of Cabell County, West Virginia.

2. Defendant Nathan R. Hatfield, M.D. (hereinafter sometimes referred to as “Dr. Hatfield”), was at all times relevant to the events underlying this Complaint, a physician practicing Diagnostic and Interventional Radiology in Cabell County, West Virginia.

3. Mr. McGrew received medical care at Cabell Huntington Hospital by Dr. Hatfield which care forms the basis of Plaintiff’s complaint.

4. Jurisdiction and venue are proper in the Circuit Court of Cabell County, West Virginia, as the defendant regularly transacts business in Cabell County, West Virginia, and the alleged acts and/or failures to act giving rise to the action occurred in Cabell County, West Virginia.

OPERATIVE FACTS OF THE CASE

5. Plaintiff, then age 74, presented to Cabell Huntington Hospital on October 15, 2019 and underwent a CT-guided cryoablation of a left renal mass with a CT-guided biopsy of a left renal mass by Defendant Dr. Hatfield.

6. Dr. Hatfield recognized and understood that Mr. McGrew's colon was in close proximity to his kidney.

7. Dr. Hatfield utilized hydrodissection to move Mr. McGrew's colon away from his kidney and the "freezing zone" that is encountered during the cryoablation.

8. Hydrodissection creates a pocket of water that separates the kidney and the colon.

9. Hydrodissection in this setting protects the colon from injury that may occur from the "freezing zone" that is encountered during cryoablation.

10. The inter-operative study of October 15, 2019 does not demonstrate a pocket of water.

11. The water injection most likely migrated away from the intended area prior to the cryoablation thus rendering the immediately adjacent colon at risk to freezing injury.

12. Despite not having a pocket of water that separates the kidney and the colon, Dr. Hatfield went forward with the CT-guided cryoablation.

13. During the CT-guided cryoablation procedure on October 15, 2019, Dr. Hatfield injured Mr. McGrew's colon as it was in close proximity to the kidney.

14. Mr. McGrew became ill and had another CT performed on November 13, 2019 which shown an abscess in the area of Dr. Hatfield's intervention.

15. Mr. McGrew underwent surgery for a perinephric abscess with renal colonic fistula on November 22, 2019 which was caused by the injury to Mr. McGrew's colon during Dr. Hatfield's October 15, 2019 procedure.

NEGLIGENCE OF NATHAN R. HATFIELD, M.D.

Plaintiff incorporates all allegations above the same as if fully restated and re-alleged, and Plaintiff further complains and says as follows:

16. The standard of care required Dr. Hatfield to make certain that the hydrodissection was successful prior to commencing the cryoablation.

17. The standard of care required that a repeat hydrodissection be performed or the procedure be converted to a laparoscopic procedure once it was determined that the hydrodissection was unsuccessful.

18. Dr. Hatfield breached the standard of care by failing to recognize that hydrodissection was unsuccessful prior to commencing the cryoablation.

19. Dr. Hatfield breached the standard of care by failing to repeat hydrodissection or convert to a laparoscopic procedure once it was determined that the hydrodissection was unsuccessful.

20. As a direct and proximate result of Dr. Hatfield's act and/or failures to act and negligence, he went forward with the cryoablation and injured Mr. McGrew's colon on October 15, 2019.

21. As a direct and proximate result of Dr. Hatfield's acts and/or failures to act and negligence, Mr. McGrew required further testing and surgical intervention which occurred on November 22, 2019 to repair the damage caused by the October 15, 2019 procedure.

22. As a direct and proximate result of Dr. Hatfield's acts and/or failures to act and negligence, Mr. McGrew incurred medical expenses for his care and treatment.

23. As a direct and proximate result of Dr. Hatfield's acts and/or failures to act and negligence, Mr. McGrew has endured pain and suffering physically, mentally and emotionally.

24. As a direct and proximate result of Dr. Hatfield's acts and/or failures to act and negligence, Mr. McGrew had endured and suffered a loss of enjoyment of life.

25. The failure of Dr. Hatfield to follow the accepted standard of care increased the risk of harm to Mr. McGrew which was a substantial factor in bringing about the injury to his colon, a repeat surgery, his pain and suffering, loss of enjoyment of life and medical expenses.

26. Had Dr. Hatfield followed the accepted standard of care, it would have resulted in a greater than twenty-five percent (25%) chance that Mr. McGrew would not have suffered his colonic injury and its aftermath.

WHEREFORE, Plaintiff demands compensatory damages from the Defendant in an amount in excess of this court's jurisdictional minimum to be determined by the trier of fact. Plaintiff further demands prejudgment and post-judgment interest, as well as such other relief as a judge or jury shall find fair and just.

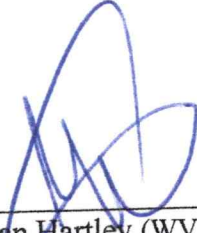
PLAINTIFF DEMANDS A TRIAL BY JURY.

DATED: March 17, 2022

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DENCIL M. MCGREW

Plaintiff,



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