

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY GRISWOLD, Personal Representative
of the Estate of JOHN E. GRISWOLD, Deceased,

Plaintiff,

v

Case No. 22-CV-10980

HON. STEPHEN J. MURPHY, III

TRINITY HEALTH-MICHIGAN d/b/a
ST. JOSEPH MERCY LIVINGSTON,
EMERGENCY PHYSICIANS MEDICAL
GROUP, P.C., WILLIAM J. KANITZ, M.D.,
COUNTY OF LIVINGSTON, MICHIGAN,
LIVINGSTON COUNTY SHERIFF,
MICHAEL MURPHY, SARGENT TERRY DAVIS,
DEPUTY TRAVIS LINDEN,
DEPUTY PATRICK TURCHI,
DEPUTY ALLISON SCHULTE,
DEPUTY JOHN DOE-MARQUETTE,
DEPUTY ERIC VANVLEET,
DEPUTY DAVID LOAR,
DEPUTY KURT HEIOB,
DEPUTY ALICIA FAMIE, and
DEPUTY VINCENT JOHN,

Defendants.

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Attorney for Defendants
Trinity Health-Michigan d/b/a
St. Joseph Mercy Livingston,
Emergency Physicians Medical
Group, P.C., and
William J. Kanitz, M.D.
38777 Six Mile Road, Suite 300
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medicine in the State of Michigan, maintained my Board Certified in Emergency Medicine, and a majority of my professional time was devoted to the active clinical practice of Emergency Medicine.

3. In forming my opinions, I have reviewed the Plaintiffs' Complaint and the medical records supplied to me by defense counsel of St. Joseph Mercy Livingston detailing Mr. Griswold's treatment on October 14, 2018

4. The facts upon which the opinions in this Affidavit are based are set forth in the medical records of St. Joseph Mercy Livingston detailing the care provided to Mr. Griswold on October 14, 2018.

5. I am familiar with the standard of care applicable to Board Certified Emergency Medicine physicians that would pertain to my care of Mr. Griswold, and vicariously to EMPG of Michigan, PC and St. Joseph Mercy Livingston in this matter.

6. The standard of care applicable to these Defendants, is what an Emergency Medicine physician of ordinary learning, judgment, and skill would or would not do, under the same or similar circumstances as in this case.

7. In my opinion all defendants complied with the above standard of care at all times in treating Mr. Griswold, to wit:

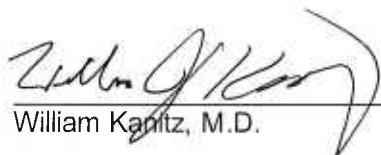
- a. Obtained and appreciated his history and examination, including knowledge of his medications;
- b. Recognized the QTc prolongation which is a known finding for patients taking antidepressants and benzodiazepine medications;
- c. There was no indication that this patient's QTc interval would lead to sudden cardiac arrest under the circumstances;
- d. Performed a complete evaluation before discharging the patient to Livingston County deputies;
- e. Appropriately monitored the patient;
- f. Appropriately recognized this was a potential drug overdose patient and treated him as such;
- g. Noted the labs and appropriately managed the patient based on those labs;
- h. The patient's condition did not worsen during care;
- i. Timely and properly treated the patient;
- j. The hospital staff and I communicated with the Livingston County deputies who were taking decedent to the jail;

- k. There was no indication for a psychiatric evaluation;
- l. Because the treatment complied with the standard of care, there is no evidence that EPMG or Trinity Health/St. Joseph Mercy Livingston failed to select, employ, train or monitor its staff, that they failed to have appropriate policies and procedures; or allowed the patient to worsen while under our care;
- m. Because plaintiff has alleged that EPMG and Trinity Health/St. Joseph Mercy Livingston are vicariously liable for my care, these opinions are equally applicable to these entities.

8. There is no causal relationship between Decedents' alleged injuries/damages and the standard of care allegations in the Complaint for the reason that these Defendants were not negligent in treating Mr. Griswold.

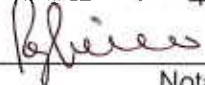
9. The opinions expressed in this Affidavit are based upon materials provided to me to date and I reserve the right and opportunity to supplement and/or amend my opinions based upon additional information.

FURTHER, AFFIANT SAYETH NOT.



 William Kapitz, M.D.

Subscribed and sworn to before me
 this 12th day of Aug., 2022.



 Notary Public, State of Michigan
 County of Oakland
 My Commission Expires:

RAJWINDER GILL
 Notary Public, State of Michigan
 County Of Oakland
 My Commission Expires 06-02-2024
 Acting in the County of Washtenaw

PROOF OF SERVICE

I state that I am employed with the firm of FOLEY, BARON, METZGER & JUIP, PLLC, and I hereby certify that on August 19, 2022, I electronically filed the foregoing document(s) with the Clerk of the Court using the ECF System, which will provide electronic notice and copies of such filing to all parties using the Court's e-file and serve system. Any party who is not connected to the ECF System has been served with such filing via U.S. Mail.

/s/ Laura J. Pilarski

Laura J. Pilarski