



IN THE SUPERIOR COURT OF DELAWARE

TIFFANY CARTWRIGHT, Individually and as)
Personal Representative of the ESTATE OF)
DEJAY CARTWRIGHT,) C.A. NO.:
)
Plaintiff,) TRIAL BY JURY DEMANDED
)
v.)
)
DELAWARE INTEGRATIVE MEDICINE, LLC,)
and HENRY CHILDERS, M.D.,)
)
Defendants.)

COMPLAINT

1. Plaintiff Tiffany Cartwright, Personal Representative of the Estate of Dejay Cartwright (hereinafter “Mrs. Cartwright”) and daughter of Mrs. Cartwright, is a citizen of the State of Delaware.
2. Defendant Delaware Integrative Medicine LLC (hereinafter “DIM”) is a limited liability corporation whose registered agent is Henry Eric Childers IV, M.D., 20930 DuPont Blvd., Georgetown, DE 19947.
3. DIM “is a Lyme literate institution and specializes in an integrative approach to the treatment of Lyme disease.”
4. One of the treatments DIM uses for Lyme disease is “major auto hemotherapy” (hereinafter “Ozonotherapy”), which is a treatment that involves mixing the patient’s blood with ozone.
5. Defendant Henry Childers, M.D., (hereinafter “Dr. Childers”) is a physician licensed to practice medicine in the State of Delaware. At all times pertinent hereto, Dr. Childers was employed by and/or acting as an agent for DIM (Dr. Childers and DIM are jointly referred to herein as Defendants).

6. Upon information and belief, Dr. Childers is board certified in General and Cardiothoracic Surgery.

7. Upon information and belief, prior to the events referenced herein, Dr. Childers stopped practicing general and cardiothoracic surgery.

8. Upon information and belief, Dr. Childers held himself out to the public as “a respected international clinician in the treatment of Lyme associated diseases, [who] frequently presents new findings at medical conferences.”

9. Upon information and belief, Dr. Childers is a member of the “American Academy of Ozonotherapy.”

10. Upon information and belief, there is no board certification process for the American Academy of Ozonotherapy, although Dr. Childers holds himself out to the public as being the only health care provider in the State of Delaware with a certificate in Ozonotherapy.

11. According to the United States Food and Drug Administration (the “FDA”), ozone is a toxic gas with no known useful medical application.

12. According to the FDA, Ozonotherapy carries significant risks without any health or medical benefit.

13. Under 21 CFR 801.415, it is a violation of federal law to use ozone for the treatment of medical conditions.

14. At all times pertinent hereto, Defendants operated a cash-only medical facility in Georgetown, DE where Dr. Childers performed, *inter alia*, Ozonotherapy for patients with Lyme disease.

15. At all times pertinent hereto, Mrs. Cartwright was a patient of Defendants, both healthcare providers within the meaning of Chapter 68 Title 18 of the Delaware Code.

16. Dr. Childers began treating Mrs. Cartwright on July 9, 2015.
17. Dr. Childers diagnosed encephalopathy, chronic pain syndrome, chronic fatigue syndrome, babesiosis, toxoplasmosis, Lyme disease and common variable immune deficiency on that date.
18. Prior to the July 9, 2015 initial consultation with Dr. Childers, Mrs. Cartwright had never been diagnosed with any of the diseases enumerated in the previous paragraph except Lyme disease.
19. Upon information and belief, Dr. Childers did not conduct any testing that showed Mrs. Cartwright had any one of the diagnoses he enumerated on July 9, 2015.
20. Dr. Childers plan was to initiate various treatment protocols, including, but not limited to, Ozonotherapy, infusion of silver, and ultraviolet therapy for Mrs. Cartwright's lyme disease.
21. Upon information and belief, Dr. Childers did not tell Mrs. Cartwright that the treatment protocols he recommended were not approved by the FDA.
22. Upon information and belief, Dr. Childers did not tell Mrs. Cartwright that the treatment protocols he was administering, including, but not limited to Ozonotherapy, carried significant risks without any health or medical benefit.
23. Upon information and belief, Dr. Childers did not tell Mrs. Cartwright that the use of Ozonotherapy for a medical condition violated federal law.
24. Dr. Childers ordered the placement of a "port-o-cath" or "mediport" (the "Port") so that Mrs. Cartwright's blood could be withdrawn, mixed with ozone, and injected back into her circulatory system.

25. On September 16, 2015, the DIM health care providers concluded that Mrs. Cartwright's Port was not functioning because they were unable to withdraw blood.

26. A new Port was installed by an interventional radiologist at Christiana Care on September 24, 2015.

27. On September 28, 2015, Mrs. Cartwright reported to the health care providers at DIM that she was feeling ill.

28. Upon information and belief, on September 28, 2015, defendants told Mrs. Cartwright that she just had the "flu."

29. Mrs. Cartwright received Ozonotherapy via her Port on September 28, 2015.

30. DIM required cash payment from Mrs. Cartwright for the "ozone treatment" provided on September 28, 2015.

31. On September 29, 2015, Mrs. Cartwright again reported to the health care providers at DIM that she was feeling ill.

32. Upon information and belief, on September 29, 2015, defendants again told Mrs. Cartwright that she just had the "flu."

33. Mrs. Cartwright received Ozonotherapy via her Port on September 29, 2015.

34. DIM required cash payment from Mrs. Cartwright for the "ozone treatment" they provided on September 29, 2015.

35. On September 30, 2015, Mrs. Cartwright again reported to the health care providers at DIM that she was feeling ill.

36. On September 30, 2015, Mrs. Cartwright exhibited a change in condition, when she was noted to be tachycardic with a heart rate of 124.

37. Upon information and belief, Defendants did not conduct investigation into Mrs. Cartwright's new tachycardia, including, but not limited to, taking Mrs. Cartwright's temperature.

38. Upon information and belief, on September 30, 2015, Defendants again told Mrs. Cartwright that she just had the "flu."

39. Mrs. Cartwright received, *inter alia*, Ozonotherapy via her Port on September 30, 2015.

40. DIM required cash payment from Mrs. Cartwright for the "ozone treatment" they provided on September 30, 2015.

41. On October 1, 2015, Mrs. Cartwright returned to DIM and again reported to the health care providers at DIM that she was feeling ill.

42. During that visit, Mrs. Cartwright was again noted to be tachycardic with a heart rate of 123.

43. Mrs. Cartwright received, *inter alia*, Ozonotherapy via her Port during that visit over a period of 1 hour and 39 minutes.

44. DIM required cash payment from Mrs. Cartwright for the "ozone treatment" they provided on October 1, 2015.

45. Other than ordering blood work, Defendants did not recommend any further treatment or intervention for Mrs. Cartwright's flu-like symptoms and tachycardia.

46. On October 1, 2015, Dr. Childer's added "influenza" to Mrs. Cartwright's problem list.

47. Mrs. Cartwright was scheduled to return the following day, October 2, 2015, to DIM.

48. On the morning of October 2, 2015, Mrs. Cartwright's daughter, Tiffany, found her mother collapsed on the floor of her home and called 911.

49. EMS arrived at the Cartwright home at 9:18AM, and took Mrs. Cartwright to Christiana Care ("CCHS") by ambulance.

50. Mrs. Cartwright was admitted to the ICU, with a diagnosis of septic shock secondary to an infection at the Port site that Dr. Cartwright had ordered for "ozone treatment."

51. Mrs. Cartwright gave a history of persistent body aches and lethargy for the last three days.

52. Labcorp left messages with DIM on October 2nd and 3rd notifying them that the blood cultures they ordered on October 1, 2015 on Mrs. Cartwright were positive for methicillin-resistant staph aureus ("MRSA").

53. On October 3, 2015, Mrs. Cartwright remained in septic shock at CCHS.

54. CCHS removed the Port and sent it for a bacteriology study.

55. According to the pathology report, the Port grew out blood cultures consistent with MRSA.

56. On October 4, 2015, Mrs. Cartwright remained in severe septic shock.

57. On October 5, 2015, Mrs. Cartwright died.

58. Mrs. Cartwright's cause of death was MRSA infection at the Port site, MRSA bacteremia, septic shock, and acute kidney injury.

59. Defendants were negligent and/or negligent *per se* in their treatment and/or grossly negligent in their care of Mrs. Cartwright as follows:

- a. misdiagnosing and/or failing to properly test for the illnesses enumerated in paragraph 17;
- b. providing therapy for Lyme disease that is illegal and/or has significant risks without any health or medical benefit;

- c. ordering a Port for ozone therapy, which is banned by the FDA and/or has significant risks without any health or medical benefit;
- d. failed to diagnosis an infection at the Port site;
- e. failed to investigate the cause of Mrs. Cartwrights tachycardia on September 30, 2015 and October 1, 2015;
- f. failing to diagnosis sepsis on September 30, 2015 and October 1, 2015;
- g. ordering an outpatient blood draw on October 1, 2015 instead of instructing Mrs. Cartwright to seek emergency medical treatment;
- h. continuing ozone therapy when they knew of should have known that the Port site was infected;
- i. failing to obtain appropriate informed consent; and
- j. were otherwise negligent in their care and treatment of Mrs. Cartwright.

60. Plaintiff Tiffany Cartwright, as Personal Representative of the Estate of Dejay Cartwright, hereby brings a claim pursuant to 10 Del. C. §§ 3701 and 3704 for damages sufficient to compensate Plaintiffs' Decedent.

61. Plaintiff Tiffany Cartwright has suffered and will suffer mental anguish and loss of parental services as a direct result of her mother's wrongful death, the cost of reasonable funeral expenses, along with the loss of pecuniary benefits due to her as beneficiary, all as provided for by 10 Del. C. §3724(d)(1), (3) and (5).

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WHEREFORE, Plaintiff demands judgment against Defendants individually, jointly and severally for their special, general, punitive and pecuniary damages, including pain and suffering, which they have incurred and will incur in the future, in such amount as justice and the nature of the case require, together with interest and costs, including pre-judgment interest.

YOUNG CONAWAY STARGATT & TAYLOR, LLP



~~Timothy E. Lengkeek, Esq. (#4116)~~

1000 North King Street
Wilmington, DE 19801
Telephone: (302) 571-6605
Facsimile: (302) 576-3308
E-mail: tlengkeek@ycst.com
Attorneys for Plaintiff

Dated: September 27, 2017