

2010 Legal and Public Notices

erly investigate Sossan's history of improper acts and perjurious conduct and loss of privileges at prior hospitals and negligently provided Sossan with privileges and access to patients such as Plaintiff and further allowed Sossan to exert influence and control at Hospital in the capacity of shareholder.

45. By January, 2012, Hospital knew or should have known that Sossan had been engaged in the practice of performing unnecessary surgeries, was being criticized by other reputable spine surgeons for improper surgeries and was having or had his privilege revoked by other hospitals.

46. Hospital continued to allow Sossan to perform surgeries to reap the financial benefits from the high cost of spinal surgery performed by Sossan until such time that even Hospital forced Sossan to give up his privileges and financial interest in Hospital but not until Sossan completed additional unnecessary surgery on Plaintiff.

47. Plaintiff would not have allowed any treatment or surgery by Sossan, Trail and Hospital had she been made aware of Sossan's history of improper conduct and lying on applications to become licensed and privileged; the ownership interest in Hospital by Trail and Sossan; the prior poor results and severe consequences of anterior surgery of Trail and Sossan; the history of Sossan performing unnecessary surgery; and that Hospital had not completed due diligence in investigating Sossan before granting hospital privileges.

48. Plaintiff would not have undergone the spinal surgeries or any other procedure if she had been fully and properly informed by Sossan, Trail and Hospital.

49. Plaintiff has experienced increasing and continuing back pain requiring pain medications as a result of the unnecessary surgical procedures.

50. Defendant, Sossan, was negligent, breached his duty and violated the applicable standard of care in the following manner, but not limited to:

a. Failing to properly investigate and diagnose Plaintiff's condition;

b. Failing to properly treat Plaintiff's condition;

c. Failing to perform testing, procedures, treatments and evaluations necessary to determine the need for the spinal surgeries;

d. Failing to properly perform those testing, procedures, treatments and evaluations that were performed and necessary to determine the need for the spinal surgeries;

e. Failing to obtain informed consent for the spinal surgeries;

f. Failing to properly perform the spinal surgeries;

g. Performing the spinal surgeries without evidence or clinical indications that the surgeries performed were necessary;

h. Failing to make accurate records relating to the care and communications with Plaintiff;

i. Failing to identify, offer, recommend or exhaust conservative treatment prior to performing the spinal surgeries on Plaintiff;

j. Making false and misleading statements to entice Plaintiff to undergo spinal surgeries;

k. Performing Plaintiff's surgical workup improperly and with a conflict of interest;

l. Performing unnecessary surgical procedures on Plaintiff;

m. Failing to disclose his past conduct, financial interests and ongoing misconduct; and

n. Failing to possess and exercise that degree of care and learning ordinarily possessed by a surgeon and therefore breached the duty of care owed to Plaintiff.

51. Defendant, Hospital, was negligent, breached its duty to Plaintiff and violated the applicable standard of care in the following manner, but not limited to:

a. Failing to properly investigate and perform due diligence regarding Sossan before providing Sossan surgical privilege.

b. Failing to properly warn Plaintiff of the unnecessary procedures and poor outcomes of Sossan;

c. Failing to prevent Sossan from performing unnecessary surgical procedures on Plaintiff at Hospital;

d. Failing to require that

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Plaintiff had been fully informed about the medical necessity, the likelihood of success and the risks of the surgical procedures performed by Sossan before allowing said surgeries;

e. Allowing its staff to administer morphine to Plaintiff when her medical chart clearly indicated that Plaintiff was allergic to morphine;

f. Failing to maintain complete and accurate medical records and failing to provide the same to Plaintiff upon proper request; and

g. Failing to possess and exercise that degree of care of a surgical hospital and therefore breached the duty of care owed to Plaintiff.

52. As a direct and proximate result of the negligence of Defendants, Plaintiff suffered:

a. Great physical injuries and physical pain and suffering;

b. Permanent disfigurement;

c. Permanent impairment and disability;

d. Great mental pain, suffering and inconvenience; and

e. Loss of the normal pleasures of life to which she had been accustomed.

53. As a direct and proximate result of the negligence of Defendants, Plaintiff incurred past medical bills and associated expenses and will in the future reasonably incur medical bills and associated expenses in amounts to be proven at trial.

WHEREFORE, Plaintiff respectfully prays for judgment against Defendants as follows:

1. General damages in an amount to be determined by the trier of fact;

2. The reasonable value of medical care, treatment and services received by Plaintiff and associated expenses plus pre-judgment interest thereon;

3. The reasonable value of medical, treatment and services that Plaintiff will incur in the future;

4. Plaintiffs' costs and disbursements herein; and

5. Such other further relief that the Court and jury deem just and proper.

Dated this 3 day of December, 2013.

JAMES LAW, P.C.

/s/ Timothy L. James
P.O. Box 879
721 Douglas, Ste. 102
Yankton, SD 57078
(605)665-0594
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby requests a trial by jury in the above-captioned matter.

JAMES LAW, P.C.

/s/ Timothy L. James

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Medal

From Page 1

Michael John recalled his father's joy at spending time with other veterans. As a code talker, Cody John felt he was doing his duty and would be miffed at Saturday's special recognition, his son said.

"If my dad was alive now, he would say, 'How come these people are doing this (honoring ceremony)?" Michael said. "And I would say, 'Because they want to honor you, pop!'"

The South Dakota congressional delegation — U.S. Sens. Tim Johnson and John Thune and U.S. Rep. Kristi Noem — honored the Sioux code talkers, including the Santee Sioux even though their reservation lies in Nebraska.

At the Washington reception, Michael John said learned his father's life was threatened not only by the enemy but by the soldiers protecting him.

"Kristi Noem said the code talkers had a target on their backs. If they were caught, the (Allied) soldiers were supposed to kill them (so they didn't reveal the language)," he said. "It made an impact on my mind. If my dad was caught, I wouldn't be here, and my children and brothers and sisters wouldn't be here."

During World War II, Cody John was stationed in the Pacific Theater, first in Australia and then in the Philippines as part of the "island hopping" strategy leading to Japan's surrender.

After Saturday's ceremony, Walter John told the *Press & Dakotan* that attending the Washington ceremony was "fantastic." However, he feels the code talkers' contributions have been overlooked until now.

"This recognition is a long time coming," he said. "They should have had it a long time ago."

American Indians have served honorably in the U.S. military despite their grievances against the federal government, Walter said.

U.S. Senate Majority Leader Harry Reid (D-Nev.)

referred to those issues at the Washington ceremony, according to Santee Sioux tribal member Rick Thomas, a Vietnam veteran.

"Senator Reid said, 'It's an honor to be here with the 'originals.' I know the history you have been through. We have taken your land, we have separated your families and we have sent your children to boarding schools,'" Thomas said.

The code talkers formed an elite group during World Wars I and II, Thomas said.

"Here, it's the 21st century, and they're just now beginning to recognize how valuable these vets are, because of the code talking," he said.

Saturday's speakers noted, ironically, the code talkers used native languages that the U.S. government and others had sought to extinguish for generations.

"Harry Reid said, 'We tried to take your language away, but we needed it to win the war,'" said Crow Creek tribal chairman Brandon Sazue.

Santee Sioux tribal member Redwing Thomas, who teaches the Dakota language, paid tribute to all code talkers with a victory song. He spoke of the need for keeping alive the native language.

Santee Sioux chairman Trudell, a Vietnam veteran who fought in the Battle of Hamburger Hill, noted his grandfather served in World War I even though he wasn't a U.S. citizen.

The Washington ceremony brought attention to tribes, including the Santee Sioux, whose contributions have been overlooked, Trudell said.

"For a long time, people thought the Navajos were the only code talkers because they were getting the recognition. But our tribe had code talkers during World War II," he said.

Saturday's honoring ceremony brought tributes from other tribes.

Yankton Sioux member Basil Heath, a Vietnam veteran, said it was "a great feeling" to see the congressional recognition for the code talkers.

"(The code talkers) were told never to mention that

they had the ability to confuse our enemies with our language," he said. "I don't believe our language was ever broken or decoded."

Winnebago member Matthew Pilcher, a Korean War veteran, noted Cody John was a family member whose Dakota name translated to "Walking Strong Boy."

"People achieve miraculous accomplishments, and they never talk about themselves," Pilcher said. "That's the kind of man (Cody John) was."

The code talkers aren't the only Native military members to wait decades for recognition, Pilcher said.

"Woody Keeble of Sisseton received his Congressional Medal of Honor posthumously," he said. "Why did it take 60 years to award an American Indian that congressional medal of honor?"

The Native warrior tradition extends to a growing number of females, Pilcher said. One of the first Operation Iraqi Freedom fatalities was an American Indian woman, he said. "The percentage of American Indians is always the biggest number of any race in the military service," he said.

Retired Gen. Roger Lempke, the former adjutant general of the Nebraska National Guard, addressed the Santee audience as U.S. Sen. Mike Johanns' (R-Neb.) director of military affairs.

During World War II, the code talkers turned the tide for good toward the Allies, Lempke said. "With the Native American code talkers, (the Japanese) never knew what we were going to do," he said.

Sadly, World War II veterans are rapidly dying from the scene, Lempke said. He called on the young people at Saturday's honoring ceremony to remember and honor their warrior heritage. "Some day, this country will call for your service, so remember the service of your ancestors," he said.

You can follow Randy Dockendorf on Twitter at twitter.com/RDockendorf. Discuss this story at www.yankton.net/.

Neb. Woman Amazed By Work On Musical

BY NICK HYTEK
Sioux City Journal

DAKOTA CITY, Neb. (AP) — Inspiration can come from anywhere at any time.

Dianna Spirk's inspiration for a musical based on the War of 1812 was a collision of many of her interests launched by a book she was reading.

Once she got going, the ideas were seemingly bursting in air.

"I am amazed. I look back and say, how did I do this?" Spirk told the *Sioux City Journal* (<http://bit.ly/18KvHAd>).

By March, she hopes to have her musical, "We Will Rise Again," completed. The production, which tells the story of the War of 1812, focuses on history, some of the divine intervention that may have aided the Americans and our national anthem.

The idea of a musical about the War of 1812 may seem like an odd choice, but it made perfect sense to Spirk.

A music teacher at neighboring schools in Walthill and Winnebago, Neb., Spirk took advantage of a grant program to obtain a master's degree in American history from Nebraska Wesleyan University.

The daughter of a high school history teacher, Spirk said she'd always had an interest in history and incorporated it into her music classes.

Every September for the past 10 years, she's had her students act out the story of Francis Scott Key and his writing of "The Star-Spangled Banner" during the bombing of Fort McHenry outside Baltimore during the War of 1812.

"I want them to know how this came about, the story," she said.

So when it came time for the final project for her master's degree, Spirk immediately thought of putting her musical talents to work and write a musical.

"I presented my idea and

my professor said, 'Why would you pick that? That's kind of an obscure war.' My answer to him was, 'because it's in me.'"

She just had no idea how much. While reading a novel about the war, inspiration struck.

"As I read this book, I started coming up with songs," she said.

She jotted down words in the margins. She woke up in the middle of the night with ideas for lyrics. Words hit her while driving to work from her Dakota City home. After her project was done, she began expanding it into a full-blown musical.

With a script completed, she needed someone to

arrange the music. She dreamed up the song title "We Will Rise Again" and found a song of the same name on the Internet. Written by a man in the Philippines after the devastating Indian Ocean tsunami of 2004, the song was perfect, Spirk said. He gave her permission to use the song, then agreed to arrange Spirk's music when she couldn't find anyone else. The music is in the works.

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