

## Lawsuit Alleges Negligence in Virgin Islands Woman's Death After Weight-Loss Surgery

**A wrongful death lawsuit alleges Dr. Gilbert Commissiong botched a bariatric procedure, perforated Jade Barber's bowel, dismissed her severe symptoms, and refused to allow another surgeon to operate, delaying emergency surgery until it was too late.**

Health / **Published On March 18, 2025 06:58 AM /**

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**Dr. Gilbert Commissiong, the surgeon named in a wrongful death lawsuit, is accused of negligence in the botched weight-loss surgery of Jade Barber.**

The December 2023 death of 29-year old Virgin Islands resident Jade Barber was the result of negligence – some intentional – by the surgeon who botched her initial surgery for weight loss as well as follow-up procedures due to complications, a lawsuit by Ms. Barber's mother claims.

The civil complaint, filed on March 12 by attorney Lee Rohn on behalf of Susanne Darrow-Magras, Ms. Barber's mother and representative of her estate, accuses Dr. Gilbert Commissiong, a physician practicing in the territory, of failing to properly care for his patient from the very beginning of their relationship.

Ms. Barber first began seeing Dr. Commissiong in August 2023, the lawsuit states, expressing interest in receiving bariatric surgery – used to manage obesity via a number of techniques used individually or in combination with one another. At the time, Ms. Barber weighed 367 pounds.

According to the complaint, Dr. Commissiong failed to conduct sufficient due diligence on his patient, and also failed to explore alternatives to the invasive procedure. There was no attempt to place Ms. Barber on a clinically-supervised weight loss regimen, the lawsuit claims. Neither did Dr. Commissiong determine if an underlying eating disorder or other conditions could be contributing to Ms. Barber's condition. “Dr. Commissiong did not properly perform a detailed history and physical review of past medical history...complete screening for cardiac disease...and abdominal ultrasound,” the complaint alleges.

At a second visit in October 2023, Ms. Barber was 11 pounds lighter, and she was “tolerating her diet well.” However, “without waiting a sufficient time to see if the surgery was necessary,” Dr. Commissiong pressed ahead and sent Ms. Barber for “surgery prep clearance,” according to the lawsuit. A month later, Ms. Barber had dropped a further seven pounds, but the surgery was nevertheless scheduled for December 22, 2023, despite Dr. Commissiong's acknowledgement that Ms. Barber suffered from hypertension and depression.

Ms. Barber's surgery went ahead on that day, with Dr. Commissiong performing “unassisted.” Instead of a laparoscopic sleeve gastrectomy, Dr. Commissiong performed an open gastrectomy instead, reportedly due to a circumstance discovered during the surgery. What was supposed to have been a two hour-long procedure instead took six hours, the lawsuit claims. Afterward, Dr. Commissiong reportedly told Ms. Barber's family that “he had to cut Jade open and that her bowel was perforated in the process.” According to the lawsuit, the recovery nurse on duty, when informed of this by Ms. Darrow-Magras, responded “At least he told you.”

Just before 1 p.m. on the day following Ms. Barber's surgery, Dr. Commissiong reportedly told the family that his patient was feeling well. However, the lawsuit claims that he denied disclosing that her bowel had been perforated, and instead told her mother that “one side of Jade's stomach wall appeared to have a leak, and he had to go back in to re-staple along one side.”

On December 24 2023, two days after Ms. Barber's surgery, an abdominal and pelvis CT scan was performed on her, which allegedly revealed “evidence of gastroesophageal reflux in the lower chest and effusion in the left lung, and some contrast in the small bowel area,” according to the complaint. That afternoon, Dr. Commissiong reportedly made notes that Ms. Barber had not vomited that day. However, according to the lawsuit, “Jade's mother and sister witnessed her vomiting daily during her hospital stay and showed Dr. Commissiong physical samples and pictures of the black-colored emesis.”

The physician, along with attending hospital staff, was reportedly “not overly concerned” about her condition, however Dr. Commissiong did prescribe medication to address the nausea and vomiting. Ms. Barber was moved to a liquid diet on December 25, with the doctor indicating that her discharge from hospital would occur the next day. “At this time, Ms. Darrow-Magras witnessed that Jade Barber was still vomiting,” the lawsuit notes.

The day after Christmas, Dr. Commissiong reportedly declared that Ms. Barber was well enough to go home, with the provision that a medical device called a “Jackson Pratt drain” would be “emptied and recorded twice daily.” However, the lawsuit claims that the doctor’s note that Ms. Barber had no complaints and was progressing in her recovery was false. Ms. Darrow-Magras also complains that neither she nor her daughter were given any written information on how to care for the “Jackson Pratt drain” that needed to be attended to.

“Despite the risk of sepsis due to a perforated bowel and surgical complications, the Plaintiff was not prescribed antibiotics,” the lawsuit said. Instead, she was told to attend a follow-up visit in 10 to 14 days, to take medication for pain and for her reflux, as well as her anti-seizure and antipsychotic medication.

At home, the complaint states, Ms. Barber’s vomiting “continued to worsen,” making it impossible to maintain her medication routine.

By December 30, Ms. Barber’s condition was extremely poor. When she woke up that morning, “her skin color was grey, and she showed signs of sepsis.” Her mother immediately took her to the emergency room. “Jade Barber’s hospital registration acknowledged that she had a perforated viscus, meaning the bowel or intestine had been perforated,” the complaint states. At the time of admission, Ms. Barber’s blood pressure was low, her pulse was elevated, she was dehydrated, and had a fever. The hospital noted “that she likely had a perforation in her stomach,” which the lawsuit says Dr. Commissiong “attempted to falsely claim” was caused by “vomiting due to her medications.”

Emergency room staff began to administer treatment, and it was “clear that Plaintiff had sepsis” at this point, the lawsuit claims, noting that “sepsis constitutes a medical emergency and requires immediate medical attention.” Any delay in treatment, the lawsuit claims, raises the risk of death – by between 4 and 9 percent for each hour of delay.

Despite what the complaint claims was Ms. Barber’s acute medical condition which required urgent treatment, Dr. Commissiong instead decided to “aggressively hydrate her with the intent to take her for exploratory laparotomy repair depending on where the perforation is and how it will be repaired.”

Unbeknownst to the family, Dr. Commissioner reportedly made that decision from the island on St. John, where he was at the time Ms. Barber went to the ER, the lawsuit claims. “Instead of referring Jade Barber to another surgeon, including the surgeon on call at the hospital, Dr. Commissiong refused to have her seen by anyone else and required she wait until he could do the surgery, and bill for the same, and to cover up his negligence,” the suit alleges. The hospital and medical staff allegedly supported the surgeon’s negligence as well, as according to the complaint they “knew Jade had sepsis, and her health and likelihood of survival was dealing [sic] minute by minute and failed to call in a surgeon to immediately do the surgery,” the lawsuit said.

Although she had reported to the emergency room just after 6 a.m., she was not examined until after 1 p.m., just before Dr. Commissiong arrived to take her to surgery. Pre-surgery scans revealed a suspected “perforation in the area of the gastric surgery,” the lawsuit said.

Ms. Barber was wheeled into the operating room just before 9 p.m. on December 30, 2023, with Dr. Commissiong again working “unassisted,” according to the lawsuit. Just after 1:30 a.m. on December 31, the surgeon “falsely stated” that the stomach bypass surgery he attempted had been successful. Ms. Barber would need approximately five days in the intensive care unit to recover but that she should be okay, Dr. Commissiong reportedly told her family.

“Dr. Commissiong, in fact, knew he had waited far too long to perform the surgery and that his actions would lead to Jade's death in order to cover up his negligence,” the suit alleges.

At the same time the surgeon was providing reassurances to the family, “the anesthesiologist admitted to the mother and stepfather that it was likely that Jade would not survive, as he had a hard time keeping her alive during surgery.”

In the ICU, Ms. Barber was placed on a ventilator, and deemed in critical condition at 2:30 a.m. At 4:47 p.m on December 31, she was declared dead by Dr. Commissiong.

“Dr. Commission claimed that the tear was likely caused by vomiting after taking medications, which is simply not true,” says the lawsuit.

Ms. Darrow-Magras accuses Dr. Commissiong and the Virgin Islands Government Hospital and Health Facilities Corporation of negligence and gross negligence, and Dr. Commissiong specifically of murdering Ms. Barber in an attempt to hide his negligence.

As of press time, there has not been a response to the lawsuit filed by either defendant.