

HEALTH CLAIMS ARBITRATION OFFICE
State of Maryland
6 St. Paul Centre, Suite 1501
Baltimore, Maryland 21202-1608
(410) 767-8200

CLAIM FORM

HCA NO. 95-0421

CLAIMANT(S)

HEALTH CARE PROVIDER(S)

Jane J. Kelly
Name
24099 Wikins Branch Rd.
Street Address
Preston, MD 21655
City, State, Zip Code
212-66-1413
Social Security Number

Hillcrest Clinic, Inc.
Name
5602 Baltimore National Pike
Street Address
Baltimore, MD 21228
City, State, Zip Code

Andrew Kelly, Jr.
Name
24099 Wikins Branch Rd.
Street Address
Preston, MD 21655
City, State, Zip Code
218-34-8496
Social Security Number

Dr. Gold
Name
5602 Baltimore National Pike
Street Address
Baltimore, MD 21228
City, State, Zip Code

Name

Street Address

City, State, Zip Code

- (1) This claim is filed pursuant to Title 3, Subtitle 2A of the Courts Article. The damages claimed are in excess of \$20,000.00 and the appropriate venue is: Baltimore City.
- (2) The basis of the claim is described on the page(s) attached hereto.
- (3) The resolution of the claim will involve particular expertise in this area of specialty obstetrics & gynecology.

WARNING: Each Claimant has been advised that he/she may be held civilly liable for part or all the Costs resulting from the filing of this claim, whether it is won or lost; this would be an individual and personal responsibility.

ATTORNEY FOR CLAIMANT(S)

CLAIMANT(S)

James E. [Signature]
Signature
6192 Oxon Hill Rd., Ste. 511
Street Address
Oxon Hill, MD 20745
City, State, Zip Code
(301) 839-0777
Telephone Number

Signature of each Claimant

BEFORE THE HEALTH CLAIMS ARBITRATION OFFICE

JANE J. KELLY
24099 Wikins Branch Road
Preston, Maryland 21655

and

ANDREW KELLY
24099 Wikins Branch Road
Preston, Maryland 21655

Claimants,

v.

HCA 95-0421

HILLCREST CLINIC, INC..
5602 Baltimore National Pike
Suite 600
Baltimore Maryland 21228

Serve: Registered Agent
Bonnie Bailey
5602 Baltimore National Pike
Suite 600
Baltimore, MD 21228

and

GOLD, M.D.
or his Designated Associate
5602 Baltimore National Pike
Suite 600
Baltimore Maryland 21228

Health Care Providers.

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HEALTH CLAIMS
ARBITRATION OFFICE

COMPLAINT

Come now claimants, by and through counsel and in support of their claim state as follows:

1. That jurisdiction of this matter is vested pursuant to CJ 3-2A-04 et.seq., Annotated Code of Maryland.

2. That damages claimed herein exceed \$20,000.00.
3. That plaintiffs are residents of Preston, Maryland.
4. That defendant Hillcrest Clinic P.A. (hereinafter "Hillcrest") is a corporation doing business in the State of Maryland with offices in Baltimore, Maryland.
5. That upon information and belief, defendant Gold, M.D., and/or his designated associate, are physicians licensed to practice in the State of Maryland and were at all times relevant hereto employees\agents of defendant Hillcrest.
6. That this cause of action arose in Baltimore, Maryland.

COUNT I
(Negligence)

7. That on or about the 15th day of December, 1992, plaintiff Jane Kelly visited Hillcrest for the purpose of undergoing an abortion. At all times relevant hereto, and while exercising due care, plaintiff justifiably relied upon the representations of defendants as to the prescribed treatment for her condition.
8. That an abortion was performed at Hillcrest on plaintiff Jane Kelly on the date and place described above by the agent\employee of Hillcrest, Gold, M.D. or his designated associate.
9. That Gold, M.D. or his designated associate, performed a dilation and curettage for the purpose of effecting and abortion.
10. That the above described procedure was performed in a negligent manner, causing plaintiff Jane Kelly to suffer trauma induced amenorrhea and other related injuries and damages.
11. That as a direct and proximate cause of the negligence of defendants and each of them, as aforesaid, plaintiff Jane Kelly, was caused to suffer injuries and damages including, but not limited to, serious, painful and permanent injuries in and about the head, body and limbs; great physical pain,

mental anguish and nervous shock; loss of child bearing capability; lost wages and loss and expense for hospitalization, physicians, medications and other related medical expenses; loss of earning capacity; loss of enjoyment of her normal pursuits and pastimes and other related injuries and damages.

WHEREFORE, Jane Kelly demands judgment against defendants both jointly and severally in an amount greater than \$20,000.

COUNT II
(Informed Consent)

Plaintiffs incorporate herein by reference all relevant allegations made in paragraphs one through ten and allege further as follows:

12. That plaintiff, Jane Kelly, trusted the expertise and advise of Hillcrest and it's employees\agents to include Gold, M.D. or his designated associate.

13. That plaintiff, Jane Kelly obediently entered into the treatment regimen as instructed by defendants.

14. That plaintiff was not informed of the consequences of such treatment regimen or any possible alternatives available to her.

15. That had plaintiff been informed of the consequences and alternatives, she would have sought other medical expertise.

16. That as a direct and proximate cause of the negligence of defendants and each of them, as aforesaid, plaintiff Jane Kelly, was caused to suffer injuries and damages including, but not limited to, serious, painful and permanent injuries in and about the head, body and limbs; great physical pain, mental anguish and nervous shock; loss of child bearing capability; lost wages and loss and expense for hospitalization, physicians, medications and other related medical expenses; loss of earning

capacity; loss of enjoyment of her normal pursuits and pastimes and other related injuries and damages.

WHEREFORE, Jane Kelly demands judgment against defendants both jointly and severally in an amount greater than \$20,000.00.

COUNT III
(Negligent Hiring and Supervision)

Plaintiffs incorporate herein by reference all relevant allegations made in paragraphs one through fifteen and allege further as follows:

17. That as a qualified health care provider, Hillcrest had a duty to select, hire and retain qualified health care providers to render health care of its behalf.
18. Plaintiffs allege that Hillcrest breached that duty and was negligent in selecting, hiring and retaining health care providers.
19. That at all times relevant hereto, Hillcrest had a duty to properly supervise its health care providers and failed to require that its health care providers render care in accordance with accepted community standards or to utilize adequate and proper diagnostic tests and procedures in accordance with accepted community standards.
20. In addition, plaintiffs allege that Hillcrest was negligent in the supervision of Gold, M.D. or his designated associate, in that Hillcrest:
 - a. Failed to properly diagnose plaintiff Jane Kelly's condition;
 - b. Failed to conduct careful and proper physical examination of plaintiff;
 - c. Failed to carefully and properly treat plaintiff's condition;
 - d. Failed to properly use laboratory and ancillary procedures.
21. That as a direct and proximate cause of the negligence of defendants and each of them,

as aforesaid, plaintiff Jane Kelly, was caused to suffer injuries and damages including, but not limited to, serious, painful and permanent injuries in and about the head, body and limbs; great physical pain, mental anguish and nervous shock; loss of child bearing capability; lost wages and loss and expense for hospitalization, physicians, medications and other related medical expenses; loss of earning capacity; loss of enjoyment of her normal pursuits and pastimes and other related injuries and damages.

WHEREFORE, Jane Kelly demands judgment against defendants both jointly and severally in an amount greater than \$20,00.00.

COUNT IV
(Loss of Consortium)

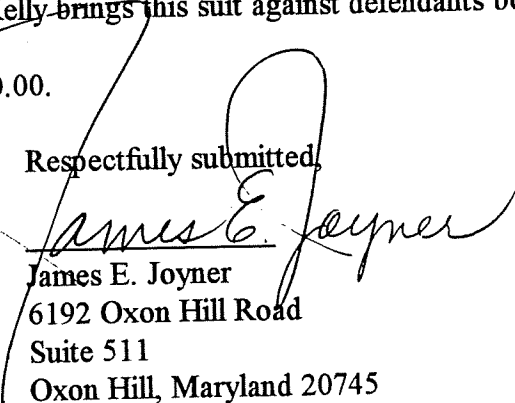
Plaintiff, Andrew Kelly incorporates by reference herein all facts and material allegations of the foregoing paragraphs and alleges further as follows:

22. That at all times mentioned herein Andrew Kelly was and is now the Husband of Jane Kelly.

23. That as a proximate and sole result of the negligence of defendants and each of them of, Andrew Kelly has been denied the companionship, consort and comfort of Jane Kelly.

WHEREFORE, plaintiff, Andrew Kelly brings this suit against defendants both jointly and severally in an amount greater than \$20,000.00.

Respectfully submitted,


James E. Joyner
6192 Oxon Hill Road
Suite 511
Oxon Hill, Maryland 20745
(301) 839-0777