

**IN THE HEALTH CARE ALTERNATIVE
DISPUTE RESOLUTION OFFICE OF MARYLAND**

CHRISTY T. O'CONNELL, *
3572 Bagley Drive *
Mt. Pleasant, South Carolina 29466 *

PLAINTIFF *

v. *

MANSOUR G. PANAH, M.D. *
5225 Pooks Hill Road *
Bethesda, MD 20814 *

DEFENDANT *

* * * * *

COMPLAINT AND ELECTION FOR JURY TRIAL

Plaintiff, Christy T. O'Connell, by and through her attorneys, Emily C. Malarkey and Salsbury, Clements, Bekman, Marder & Adkins LLC, sues Defendant Mansour G. Panah, M.D., and states as follows.

Parties, Jurisdiction and Venue

1. This claim was previously filed in the Health Care Alternative Dispute Resolution Office of Maryland as required under Maryland law, and arbitration of the claim was waived by the Plaintiff pursuant to Maryland Code, Courts & Judicial Proceedings, § 3-2A-06B(b). The Statement of Claim, Plaintiff's Certificate of Qualified Expert and Report, Election to Waive Arbitration, and Order of Transfer are attached as Exhibits 1 – 4 hereto.

2. The Plaintiff Christy T. O'Connell is a resident of South Carolina.

3. The Defendant Mansour G. Panah, M.D. is a former physician previously licensed to practice medicine in the State of Maryland. Upon information and belief, he

continues to reside in the State of Maryland, although he no longer has a Maryland medical license.

4. The amount of this claim exceeds seventy-five thousand dollars (\$75,000).

5. Jurisdiction is proper in the U.S. District Court based on the diversity of citizenship provision found in 28 U.S.C. § 1332.

6. Venue is proper in Maryland pursuant to 28 U.S.C. § 1391(a).

Facts Common To All Counts

7. At all relevant times, Mansour G. Panah, M.D. held himself out to the Plaintiff, and to the general public, as an experienced, competent and able physician and/or health care provider possessing or providing that degree of skill and knowledge that is ordinarily possessed by those who devote special study and attention to the practice of medicine, particularly obstetrics and gynecology, and as such, owed a duty to the Plaintiff to render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of medicine, particularly obstetrics and gynecology.

8. At the time of the events giving rise to this cause of action, Dr. Panah was the Medical Director of four abortion clinics located in Baltimore, Cheverly, Frederick, and Silver Spring, Maryland, which were known alternately as either Associates in Ob/Gyn Care, LLC; American Medical Associates, P.C.; Rose Health Services Company; and/or American Women's Services (hereinafter collectively referred to as "American Women's Services").

9. Upon information and belief, Dr. Panah's responsibilities as Medical Director of the Maryland American Women's Services Clinics included, but were not limited to,

creating and implementing medical policies and procedures, responsibility for the delivery of quality care, and performing other aspects of management and operation. It is asserted that all of the medical policies and procedures governing patient care and the operation of the Maryland clinics were either established by Dr. Panah or were approved, overseen and controlled by him.

10. In his capacity as Medical Director of the American Women's Services, Dr. Panah owed a duty of care to the Plaintiff even though he did not directly treat her.

11. In late June of 2012, Christy O'Connell learned that she was pregnant. She presented to her primary care provider on July 16, 2012, where a blood pregnancy test and transvaginal ultrasound confirmed that she was 8 weeks and 2 days pregnant, with an estimated date of delivery of February 23, 2013.

12. Christy O'Connell made the difficult decision to terminate her pregnancy. On July 26, 2012, she presented to the offices of a practice commonly called "American Women's Services" in Frederick, Maryland to obtain a consultation for an abortion. She reported at this visit that she was currently taking a variety of prescription medications, including anti-depressants, migraine medication, blood pressure medication, asthma medication, and antacids.

13. At the appointment, Ms. O'Connell underwent a trans-abdominal ultrasound that was performed by the "office manager." The office manager did not have the appropriate qualifications, training or experience to perform or interpret obstetric ultrasound.

14. It is asserted that not only was Dr. Panah aware that the "office managers" who performed and interpreted obstetric ultrasound at the Maryland abortion clinics did

not have the appropriate qualifications, training or experience to do so, but also, that it was his express plan to use “office managers” in lieu of properly trained and licensed sonographers, and/or that he knew that such a practice was in existence and allowed it to continue despite the fact that using untrained individuals compromised patient care.

15. It is further asserted that the “office manager” who performed and interpreted Ms. O’Connell’s ultrasound was the agent, servant, employee and/or apparent agent of Dr. Panah and American Women’s Services.

16. According to the medical records, the office manager who performed Ms. O’Connell’s ultrasound estimated her fetus to be approximately 7 weeks and 4 days old. This estimate was inaccurate and underestimated the fetus’s gestational age because it was made utilizing gestational sac size rather than the more accurate crown-to-rump length.

17. Ms. O’Connell then consulted with Dr. Iris Dominy, and a plan was made to conduct a “medical” or non-surgical abortion, in which the patient takes medications designed to induce a spontaneous abortion. According to consent documents signed by Ms. O’Connell, this option is only viable for women who are 8 weeks pregnant or less.

18. The medications that were administered to Ms. O’Connell to achieve her abortion— misoprostol and methotrexate – are not FDA approved for termination of pregnancy. Methotrexate is typically used in chemotherapy for cancer patients. It was used to induce abortions before the FDA approved RU-486 (mifepristone), and can take up to eight weeks in order to successfully terminate a pregnancy.

19. Misoprostol is a drug that is commonly used to induce labor in pregnant patients, and under certain circumstances, can be used to perform a medical abortion in combination with mifepristone/RU-486. Ms. O’Connell was not given any mifepristone,

and in fact, the materials she was provided by American Women's Services, drafted and/or approved by Dr. Panah falsely state that mifepristone "is still not available in the United States."

20. Methotrexate and misoprostol are dangerous and powerful drugs. Not only do they have serious physical consequences to the mother who ingests them, but also they can cause serious and permanent harm to the fetus if the abortion is unsuccessful. Indeed, the consent form signed by Ms. O'Connell prior to undergoing her medical abortion, drafted and/or approved by Dr. Panah, states that the medications "are very damaging to the fetus" and "can cause severe birth defects."

21. It is asserted that American Women's Services, acting through its agents, including Dr. Panah as its Medical Director, prescribed methotrexate and misoprostol as therapy for medical abortions instead of other, FDA-approved regimens in order to cut costs and maximize profits. In fact, one pill of mifepristone costs approximately \$95, whereas one dose of methotrexate costs between \$5 and \$25. (Ms. O'Connell was charged a flat fee of \$310 for her medical abortion.)

22. Recognizing that the treatment regimen prescribed for Ms. O'Connell had the potential to be ineffective and to render severe harm to the fetus, American Women's Services required Ms. O'Connell to return to the clinic several weeks after taking the drugs in order to confirm that she was no longer pregnant. She was advised that if the abortion was not successful, a surgical procedure would have to be performed to complete it. The consent form she signed states:

About 8% of women using this method will not abort and MUST UNDERGO termination by the standard vacuum aspiration method. The drugs used in this termination are very damaging to the fetus, and if they fail to produce complete expulsion of

the pregnancy, a minor surgical procedure will be performed.
.... IT IS VERY IMPORTANT THAT YOU UNDERSTAND THAT
ONCE METHOTREXATE HAS BEEN GIVEN, THE TERMINATION
OF THE PREGNANCY MUST BE COMPLETED. THE
METHOTREXATE CAN CAUSE SEVERE BIRTH DEFECTS.

23. On August 17, 2012, Ms. O'Connell returned to American Women's Services for her follow-up appointment. She indicated at that visit that she was still experiencing symptoms of pregnancy. Another transabdominal sonogram was performed by the "office manager," who interpreted the sonogram as follows: "Trans abdominal US no IUP" (indicating that no intrauterine pregnancy was seen). The report is signed by the office manager and Dr. Dominy. Ms. O'Connell was advised that there would be no need to conduct any urine or blood pregnancy tests to confirm that she was no longer pregnant because the sonogram was conclusive evidence that the medical abortion had been a success. She was only advised to follow up with her primary care provider in three months, and provided a prescription for oral contraceptives.

24. Following her abortion, which she believed to be successful, Ms. O'Connell engaged in other behavior she would not have engaged in if she were pregnant, such as drinking alcoholic beverages and taking prescription medications.

25. On October 5, 2012, Ms. O'Connell followed up with her primary care provider for her annual "well woman" exam. During the physical exam, her doctor discovered that she was in fact still pregnant, a fact that was confirmed by urine pregnancy test.

26. A stat ultrasound confirmed that Ms. O'Connell was still carrying a viable fetus, now more than 18 weeks' of gestational age.

27. Ms. O'Connell's health care providers immediately took measures to adjust her prescription medication regimen, counsel her about ways to stay healthy while pregnant, and provide care for her as a high-risk obstetrical patient. She saw her obstetrician almost weekly, and obtained multiple sonograms to monitor her baby's growth.

28. Unfortunately, Ms. O'Connell developed severe preeclampsia, or high blood pressure, a condition that can be extremely harmful and even fatal to the mother and her fetus. The only way to reverse preeclampsia is by delivering the baby.

29. At approximately 28 weeks' gestation, Ms. O'Connell's preeclampsia was so bad that she was admitted to the hospital, where it was determined that her baby would need to be delivered. J----- O'Connell was born on December 19, 2012. He was more than 10 weeks premature.

30. J----- O'Connell remained in the Neonatal Intensive Care Unit for almost two months. Upon discharge, he continued to be, and to this day continues to be, monitored by many medical specialists for multiple medical issues, including hearing loss, developmental delays, heart defects, and other problems. Many of these medical issues relate to J-----'s severe prematurity, and others relate to effects the dangerous and harmful drugs prescribed to Christy O'Connell by American Women's Services.

31. In the summer of 2013, the State of Maryland shut down three of the four American Women's Services clinics located in this State, citing reasons that included outdated equipment and poorly qualified or trained staff, including sonographers.

32. In the process of shutting down the American Women's Services clinics, the Maryland Board of Physicians began disciplinary proceedings against Dr. Panah, summarily

suspending his license and ultimately concluding that he was not fit to practice medicine. He surrendered his license voluntarily in 2014, admitting that he was “professionally, physically, or mentally incompetent,” and that he practiced medicine with unauthorized persons or aided unauthorized persons in the practice of medicine.

Count I
(Negligence – Dr. Panah)

33. Plaintiff adopts and incorporates paragraphs 1 through 31 as if fully set forth herein.

34. The Defendant Mansour Panah, M.D. was negligent and careless in the following manners:

- a. By engaging and permitting untrained, unqualified individuals to perform and interpret obstetric sonograms;
- b. By permitting non-physicians to interpret obstetric sonograms;
- c. By allowing “office managers” to perform and interpret obstetric sonograms without proper supervision and guidance;
- d. By establishing protocols that allowed and encouraged physicians to rely on the ultrasound interpretations of untrained, unqualified individuals;
- e. By establishing a policy and protocol for medical abortion that did not take into consideration the best interest of the patient, including by using methotrexate in lieu of mifepristone,
- f. And in other ways.

35. As a result of the negligence of the Defendant, Christy O’Connell has been caused to suffer physical injury, severe mental anguish, and other emotional pain and suffering, which is continuing in nature. She has also incurred, and will in the future

continue to incur, substantial expenses related to the care of J---- O'Connell, including medical and related expenses well above and beyond those incurred by a normal, healthy child.

WHEREFORE, Plaintiff, Christy O'Connell, claims damages against the Defendant in an amount to be determined by a panel of the Health Care Alternative Dispute Resolution Office, with all costs to be paid by the Defendant.

Count II
(Informed Consent)

36. Plaintiff adopts and incorporates paragraphs 1 through 34 as if fully set forth herein.

37. The Defendant Mansour Panah, M.D. had a legal duty and obligation to obtain adequate informed consent, including to accurately inform Christy O'Connell regarding the legal options for abortion available to her, and the material risks, benefits, and alternatives of those options.


38. Dr. Panah, in his capacity as Medical Director, was negligent and careless in that he failed to obtain adequate and valid informed consent from Christy O'Connell in the following ways:

- a. By falsely informing her that mifepristone "is still not available in the United States;"
- b. By failing to offer her medical abortion with mifepristone;
- c. By failing to refer her to a different clinic that could provide medical abortion using mifepristone;

- d. By failing to inform her that the combination of misoprostol and methotrexate is not as effective in inducing abortion as mifepristone, especially in a pregnancy greater than 9 weeks;
- e. By failing to inform her that the combination of misoprostol and methotrexate can take up to eight weeks to successfully terminate a pregnancy;
 - a. And in other ways.

39. As a result of the negligence of the Defendant in failing to provide adequate and valid informed consent, Christy O'Connell has been caused to suffer physical injury, severe mental anguish, and other emotional pain and suffering, which is continuing in nature. She has also incurred, and will in the future continue to incur, substantial expenses related to the care of J----- O'Connell, including medical and related expenses above and beyond those incurred by a normal, healthy child.

WHEREFORE, Plaintiff, Christy O'Connell, claims damages against the Defendant in an amount to be determined by a panel of the Health Care Alternative Dispute Resolution Office, with all costs to be paid by the Defendants.


EMILY C. MALARKEY
SALSURY, CLEMENTS, BEKMAN
MARDER & ADKINS, L.L.C.
300 West Pratt Street, Suite 450
Baltimore, Maryland 21201
(410) 539-6633
Counsel for Plaintiff

HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE
6 St. Paul Street, Suite 1501
Baltimore, Maryland 21202-1608
(410) 767-8200

CLAIM FORM

HCA NO.: _____

CLAIMANT(S)

HEALTH CARE PROVIDER(S)

CHRISTY T. O'CONNELL
Name
3572 Bagley Drive
Street Address
Mt. Pleasant, SC 29466
City, State, Zip Code

MANSOUR G. PANAH, M.D.
Name
5225 Pooks Hill Road
Street Address
Bthesda, MA 20814
City, State, Zip Code

Name

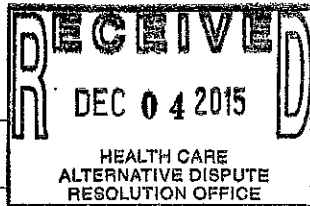
Street Address

City, State, Zip Code

Name

Street Address

City, State, Zip Code



Name

Street Address

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 \$30,000.00, and the appropriate venue is: U.S. District Court of Maryland.

(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 (030).
(PLEASE SEE REVERSE SIDE FOR AREAS OF CONCENTRATION)

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)

Emily Malachuk
Signature

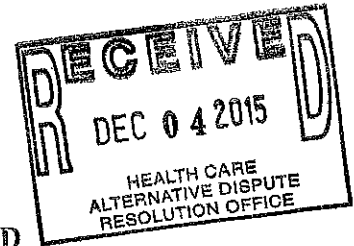
Christy O'Connell / ecm
Signature for each Claimant CHRISTY O'CONNELL

300 West Pratt St., Suite 450
Street Address

Baltimore, MD 21201
City, State, Zip Code

410-539-6633
Telephone Number





**IN THE HEALTH CARE ALTERNATIVE
DISPUTE RESOLUTION OFFICE OF MARYLAND**

CHRISTY T. O'CONNELL,
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CLAIMANT

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MANSOUR G. PANAH, M.D.
5225 Pooks Hill Road
Bethesda, MD 20814

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HEALTH CARE PROVIDER

* * * * *

STATEMENT OF CLAIM

Claimant, Christy T. O'Connell, by and through her attorneys, Emily C. Malarkey and Salsbury, Clements, Bekman, Marder & Adkins LLC, files this Statement of Claim against Health Care Provider Mansour G. Panah, M.D., and states as follows.

Parties, Jurisdiction and Venue

1. The Claimant Christy T. O'Connell is a resident of South Carolina.
2. The Health Care Provider Mansour G. Panah, M.D. is a former physician previously licensed to practice medicine in the State of Maryland. Upon information and belief, he continues to reside in the State of Maryland, although he no longer has a Maryland medical license.
3. The amount of this claim exceeds thirty thousand dollars (\$30,000).
4. Jurisdiction will be proper in the U.S. District Court based on the diversity of citizenship provision found in 28 U.S.C. § 1332.
5. Venue will be proper in Maryland pursuant to 28 U.S.C. § 1391(a).

Facts Common To All Counts

6. At all relevant times, Mansour G. Panah, M.D. held himself out to the Claimant, and to the general public, as an experienced, competent and able physician and/or health care provider possessing or providing that degree of skill and knowledge that is ordinarily possessed by those who devote special study and attention to the practice of medicine, particularly obstetrics and gynecology, and as such, owed a duty to the Claimant to render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of medicine, particularly obstetrics and gynecology.

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10. In late June of 2012, Christy O'Connell learned that she was pregnant. She presented to her primary care provider on July 16, 2012, where a blood pregnancy test and transvaginal ultrasound confirmed that she was 8 weeks and 2 days pregnant, with an estimated date of delivery of February 23, 2013.

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17. The medications that were administered to Ms. O’Connell to achieve her abortion— misoprostol and methotrexate – are not FDA approved for termination of pregnancy. Methotrexate is typically used in chemotherapy for cancer patients. It was used to induce abortions before the FDA approved RU-486 (mifepristone), and can take up to eight weeks in order to successfully terminate a pregnancy.

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Count I
(Negligence - Dr. Panah)

32. Claimant adopts and incorporates paragraphs 1 through 31 as if fully set forth herein.

33. The Health Care Provider Mansour Panah, M.D. was negligent and careless in the following manners:

- a. By engaging and permitting untrained, unqualified individuals to perform and interpret obstetric sonograms;
- b. By permitting non-physicians to interpret obstetric sonograms;
- c. By allowing “office managers” to perform and interpret obstetric sonograms without proper supervision and guidance;
- d. By establishing protocols that allowed and encouraged physicians to rely on the ultrasound interpretations of untrained, unqualified individuals;
- e. By establishing a policy and protocol for medical abortion that did not take into consideration the best interest of the patient, including by using methotrexate in lieu of mifepristone,
- f. And in other ways.

34. As a result of the negligence of the Health Care Provider, Christy O’Connell has been caused to suffer physical injury, severe mental anguish, and other emotional pain and suffering, which is continuing in nature. She has also incurred, and will in the future continue to incur, substantial expenses related to the care of J---- O’Connell, including

medical and related expenses well above and beyond those incurred by a normal, healthy child.

WHEREFORE, Claimant, Christy O'Connell, claims damages against the Health Care Provider in an amount to be determined by a panel of the Health Care Alternative Dispute Resolution Office, with all costs to be paid by the Health Care Provider.

Count II
(Informed Consent)

35. Claimant adopts and incorporates paragraphs 1 through 34 as if fully set forth herein.

36. The Health Care Provider Mansour Panah, M.D. had a legal duty and obligation to obtain adequate informed consent, including to accurately inform Christy O'Connell regarding the legal options for abortion available to her, and the material risks, benefits, and alternatives of those options.

37. Dr. Panah, in his capacity as Medical Director, was negligent and careless in that he failed to obtain adequate and valid informed consent from Christy O'Connell in the following ways:


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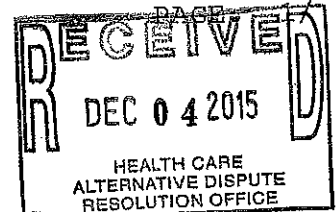
e. By failing to inform her that the combination of misoprostol and methotrexate can take up to eight weeks to successfully terminate a pregnancy;

a. And in other ways.

38. As a result of the negligence of the Health Care Provider in failing to provide adequate and valid informed consent, Christy O'Connell has been caused to suffer physical injury, severe mental anguish, and other emotional pain and suffering, which is continuing in nature. She has also incurred, and will in the future continue to incur, substantial expenses related to the care of J----- O'Connell, including medical and related expenses above and beyond those incurred by a normal, healthy child.

WHEREFORE, Claimant, Christy O'Connell, claims damages against the Health Care Provider in an amount to be determined by a panel of the Health Care Alternative Dispute Resolution Office, with all costs to be paid by the Health Care Providers.


EMILY C. MALARKEY
SALSBURY, CLEMENTS, BEKMAN
MARDER & ADKINS, L.L.C.
300 West Pratt Street, Suite 450
Baltimore, Maryland 21201
(410) 539-6633
Counsel for Claimant



CHRISTY T. O'CONNELL,

Claimant

v.

MANSOUR PANAH, M.D.

Health Care Provider

* IN THE HEALTH CARE
* ALTERNATIVE DISPUTE
* RESOLUTION OFFICE
* OF MARYLAND
* Claim No: _____

* * * * *

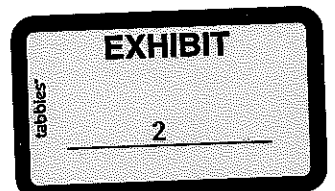
CERTIFICATE OF QUALIFIED EXPERT

I, Daniel Small, M.D., do hereby certify that I am Board Certified in Obstetrics and Gynecology. I certify that less than twenty percent (20%) of my professional activities are devoted to activities that directly involve testimony in personal injury claims.

I hereby certify that I have reviewed the medical records relating to the care and treatment of Christy O'Connell during her pregnancy in 2012, including but not limited to the medical records of American Women's Services (also known as Associates in OBGYN Care and American Medical Associates); Frederick Primary Care Associates; OB & GYN Center; and Maryland Perinatal Associates. I have also reviewed the deposition of Iris Dominy, M.D., as well as Maryland Board of Physician disciplinary orders relating to the license of Mansour Panah, M.D.

I hereby certify that, based upon my training, expertise and review, the care and treatment rendered to Christy O'Connell by the health care providers at American Women's Services, including Mansour Panah, M.D. acting as Medical Director of its Maryland clinics, failed to comply with the standard of care, and that said failures caused injury to Christy O'Connell.

I adopt and incorporate the attached Report Re: Christy O'Connell, which sets forth the substance of my opinions.



Dec.02.2015 12:50 PM Daniel Small Fax

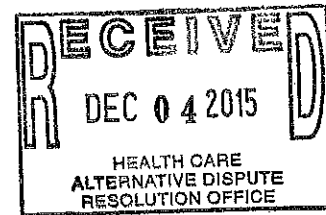
2154280840

PAGE. 2/ 4

Daniel Small MD

Daniel Small, M.D.
123 Franklin Corner Road
Lawrenceville, NJ 08648

Date: 12.2.15



REPORT RE: CHRISTY O'CONNELL

I have reviewed the medical records relating to the care and treatment of Christy O'Connell during her pregnancy in 2012, including but not limited to the medical records of American Women's Services (also known as Associates in OBGYN Care and American Medical Associates); Frederick Primary Care Associates; OB & GYN Center; and Maryland Perinatal Associates. I have also reviewed the deposition of Iris Dominy, M.D., as well as Maryland Board of Physician disciplinary orders relating to the license of Mansour Panah, M.D.

Based upon my training, expertise and review, the care and treatment rendered to Christy O'Connell by Dr. Panah, as Medical Director of the Maryland American Women's Services clinics, was negligent and careless in several respects.

First, it is my opinion that a combination of methotrexate and misoprostol is not sufficiently effective in inducing a complete abortion in women who are approximately 8 weeks pregnant. To the extent Dr. Panah established, approved, and/or knew that this regimen was regularly administered in the Maryland clinics for which he served as Medical Director, he violated the standard of care.

Second, it is my opinion that Dr. Panah violated the standard of care by establishing and effecting policies and procedures that allowed untrained individuals, including "office managers," to perform and interpret obstetric sonograms, and by not requiring physicians to interpret and approve sonograms performed by office managers and/or other untrained individuals. It is my opinion that Dr. Dominy and the individual who performed Ms. O'Connell's follow-up sonogram on August 17, 2012 failed to recognize the presence of a viable fetus (approximately 10.5-11.5 weeks' gestation) on ultrasound, even though Ms.

O'Connell reported feeling like she was still pregnant.

Additionally, it is my opinion that Dr. Panah, as the Medical Director of the Maryland clinics, was negligent in failing to provide adequate informed consent to Ms. O'Connell regarding the nature of her medical abortion and its material risks and alternatives. For example, in the informed consent documents, Ms. O'Connell was falsely told that mifepristone is not available in this country and was not offered an abortion with mifepristone, which is more successful than the regimen she was prescribed, and not advised that abortions with methotrexate can take up to 8 weeks to complete.

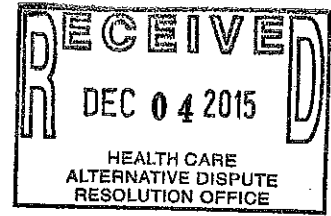
These are my opinions as of the date of this report. I may amend or alter these opinions upon the review of additional records, documents, or depositions.



Daniel Small, M.D.
123 Franklin Corner Road
Lawrenceville, NJ 08648

Date: 12-2-15

IN THE HEALTH CARE ALTERNATIVE
DISPUTE RESOLUTION OFFICE OF MARYLAND



CHRISTY T. O'CONNELL,
3572 Bagley Drive
Mt. Pleasant, South Carolina 29466

*

*

CLAIMANT

*

v.

*

MANSOUR G. PANAH, M.D.
5225 Pooks Hill Road
Bethesda, MD 20814

*

*


HEALTH CARE PROVIDER

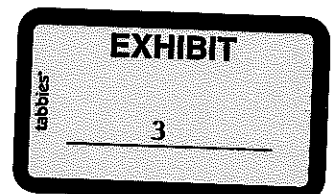
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ELECTION TO WAIVE ARBITRATION

Claimant, Christy T. O'Connell, by and through her attorneys, Emily C. Malarkey and Salsbury, Clements, Bekman, Marder & Adkins, L.L.C., hereby elects to waive arbitration in the above captioned matter to the United States District Court for the District of Maryland.


EMILY C. MALARKEY
SALSBURY, CLEMENTS, BEKMAN
MARDER & ADKINS, L.L.C.
300 West Pratt Street, Suite 450
Baltimore, Maryland 21201
(410) 539-6633
Counsel for Claimant



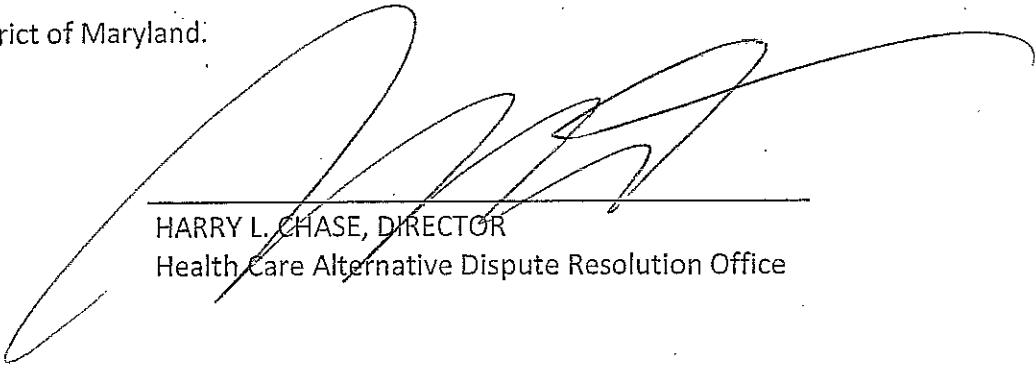
CHRISTY T. O'CONNELL	*	BEFORE THE
	*	
Claimant	*	HEALTH CARE
	*	
v.	*	ALTERNATIVE DISPUTE
	*	
MANSOUR G. PANAH, M.D.	*	RESOLUTION OFFICE
	*	
Health Care Provider	*	HCA No.: 2015-650
	*	

* * * * *

ORDER OF TRANSFER

The Claimant, by and through counsel, having elected a Waiver of Arbitration under the provisions of Annotated Code of Maryland, Courts and Judicial Proceedings, Article, § 3-2A-06B, it is this 9th day of December, 2015, by the Health Care Alternative Dispute Resolution Office,

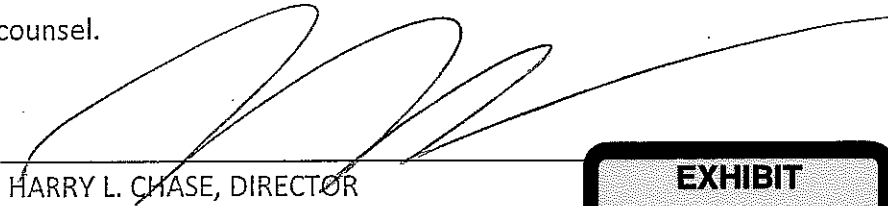
ORDERED, that this case shall be and is hereby, transferred to the United States District Court for the District of Maryland.



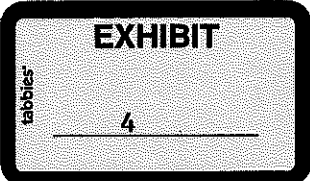
HARRY L. CHASE, DIRECTOR
Health Care Alternative Dispute Resolution Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the above ORDER OF TRANSFER have been mailed, postage prepaid, to all counsel.



HARRY L. CHASE, DIRECTOR



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CHRISTY T. O'CONNELL,
3572 Bagley Drive
Mt. Pleasant, South Carolina 29466

*
*
*

PLAINTIFF

v.

*

CASE NO.:

MANSOUR G. PANAH, M.D.
5225 Pooks Hill Road
Bethesda, MD 20814

*
*
*

DEFENDANT

*

* * * * *

ELECTION FOR JURY TRIAL

Mr. Clerk:

The Plaintiff hereby elects to have this case heard before a jury.



EMILY C. MALARKEY (Bar No.: 28197)
SALSBURY, CLEMENTS, BEKMAN,
MARDER & ADKINS, L.L.C.
300 West Pratt Street, Suite 450
Baltimore, Maryland 21201
(410) 539-6633
Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CHRISTY T. O'CONNELL,
3572 Bagley Drive
Mt. Pleasant, South Carolina 29466

*
*

PLAINTIFF

*

v.

*

CASE NO.:

MANSOUR G. PANAH, M.D.
5225 Pooks Hill Road
Bethesda, MD 20814

*
*

DEFENDANT

*

* * * * *

ELECTION FOR JURY TRIAL

Mr. Clerk:

The Plaintiff hereby elects to have this case heard before a jury.



EMILY C. MALARKEY (Bar No.: 28197)
SALSBURY, CLEMENTS, BEKMAN,
MARDER & ADKINS, L.L.C.
300 West Pratt Street, Suite 450
Baltimore, Maryland 21201
(410) 539-6633
Counsel for Plaintiff

CIVIL COVER SHEET

JS 44 (Rev. 12/12)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Christy O'Connell
3572 Bagley Drive
Mt. Pleasant, SC 29466

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Mansour G. Panah, M.D.
5225 Pooks Hill Road
Bethesda, MD 20814

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Emily C. Malarkey, Esq., 300 W. Pratt St., Suite 450, Balto., MD 21201

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input checked="" type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Haebas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC Section 1332

Brief description of cause:

wrongful birth/medical negligence

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 7,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Motz, J.F.

DOCKET NUMBER 14-1339

DATE 12/15/15
FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

Emily C. Malarkey

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Maryland



CHRISTY T. O'CONNELL

Plaintiff(s)

v.

MANSOUR G. PANAH, M.D.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) MANSOUR G. PANAH, M.D. 5225 Pooks Hill Road Bethesda, Maryland 20814

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Christy T. O'Connell, Plaintiff c/o Emily C. Malarkey, Esquire SALSBUURY, CLEMENTS, BEKMAN, MARDER & ADKINS, LLC 300 West Pratt Street, Suite 450 Baltimore, Maryland 21201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: