

201-19802

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

MARCELLA McINTYRE AND
MARK CLIFTON, Individually and as
Parents and Next Friend
of D'Marco Clifton, a minor

Plaintiffs,

v.

HAROLD O. ALEXANDER, M.D.

Defendant.

Case #CAL 01-19802
Judge Howard Chasanow

CLERK OF THE
CIRCUIT COURT
02 JUL 12 AM 11:48

PLAINTIFFS' SUPPLEMENTAL PRETRIAL STATEMENT

Plaintiffs, by counsel, hereby supplement Section 4 of Plaintiffs' Pretrial Statement as follows:

4. DAMAGES

As a direct result of Dr. Alexander's negligent management of the labor and delivery in question and the improper manner in which he attempted to free the trapped shoulder, D'Marco sustained trauma to his right brachial plexus including the nerve roots of C5, C6 with some involvement of C7 resulting in a moderate to severe right Erb's Palsy. This injury is permanent. D'Marco has a mild right hemiatrophy with virtually a total inability to elevate the right upper extremity at the shoulder. Flexion and extension at the elbow are reduced. Supination cannot be demonstrated. His distal extremity is held in a pronated position. D'Marco will be unable to perform any activities which require use of both upper extremities in an equal, near equal or coordinated fashion. The right upper extremity can be used as a helper extremity to position objects, but beyond this its functional use is severely impaired. In addition to hemiatrophy

Case Information

Court System: **Circuit Court for Prince George's County - Civil System**
Case Number: **CAL01-19802**
Case Description: **MCINTYRE VS ALEXANDER**
Case Type: **Tort**
Filing Date: **09/14/2001**
Case Status: **Active Status**

Plaintiff/Petitioner Information

Party Type: **Plaintiff** Party No.: **1**
Name: **Marcella McIntyre**
Party Type: **Plaintiff** Party No.: **2**
Name: **Mark Clifton**

delivery

Defendant/Respondent Information

Party Type: **Defendant** Party No.: **4**
Name: **Harold O Alexander**

Attorney Information

Name: **Annie P Kaplan**
Attorney Type: **Attorney**
Name: **Annie P Kaplan**
Attorney Type: **Attorney**
Name: **Thomas L Doran**
Attorney Type: **Attorney**
Name: **J Philip Kessel**
Attorney Type: **Attorney**

Court Scheduling Information

Event Type: **Trial First On Assigned**
Event Date: **07/22/2002** Start Time: **09:00:00**
Result: **Trial Moot** Result Date: **07/18/2002**

Event Type: **Pretrial Conference**
Event Date: **06/19/2002** Start Time: **09:00:00**
Result: **Pre Trial Conf Cont In Court** Result Date: **06/24/2002**

Event Type: **Pretrial Conference**
Event Date: **07/10/2002** Start Time: **09:00:00**
Result: **Pre Trial Conference Held** Result Date: **07/10/2002**

Dockets

(Each Document listed. Documents are listed in Document No./Sequence No. order)

Date: **09/14/2001**
Document Name: **CaseType: Medical Malpractice**
Docket Text:

Docket Text: **048 Staff Code/Initials: 037 CONSENT MOTION T APPROVE SETTLEMENT, FD/GH;**

Date: **08/30/2002**

Document Name: **Docket Record (Conversion)**

Docket Text: **049 Staff Code/Initials: 025 D/S DATED 08-28-92 CASE SETTLED. JUDGE SMITH;; MS. HERNANDEZ, REPORTER. ORDER SIGNED AND; ATTACHED. CASE CLOSED STATITICALLY, FD/EMP.;**

Date: **08/30/2002**

Document Name: **Docket Record (Conversion)**

Docket Text: **050 Staff Code/Initials: 025 ORDER OF COURT DATED 08-28-02 JUDGE SMITH;; ORDERED THAT CONSENT MOTION FOR APPROVAL OF; SETTLEMENT, THAT ATTORNEYS FEES AND COSTS OF; LITIGATION IN THE AMOUNT SET FORTH IN THE; AFFIDAVIT OF J. PHILIP KESSEL (REVIEWED IN;CAMERA) BE PAID TO COUNSEL FOR PLA. KARP,FROSH;; LAPIDUS, WIGODSKY &NORWIND, P.A. AND THAT THE;MARYLAND DEPT. OF HEALTH AND MENTAL HYGIENE BE; PAID \$2,103.12 IN DISCHARGE OF ITS LIEN FOR;PAYMENT OF MEDICAL SERVICES FOR THE CARE AND; TREATMENT OF THE MINOR PLA. AND THAT THE NET;SETTLEMENT PROCEEDS BE DISTRIBUTED AS SET FORTH; AS REQUESTED IN THE AFFIDAVIT OF J. PHILIP KESSEL;(REVIEWED IN CAMERA) AND THAT THE PLA. CLAIMS; AGAINST DEF. HAROLD O. ALEXANDER M.D. BE DISMISSED;WITH PREJUDICE AS SETTLED, FD/EMP.; CC SENT TO J. KESSEL AND T. DORAN.;**

Date: **08/28/2002**

Document Name: **Docket Record (Conversion)**

Docket Text: **051 Staff Code/Initials: 021 STIPULATION OF DISMISSAL, FD./TLL;**

Date: **07/18/2002**

Document Name: **DNU Case Closed Statistically**

Docket Text: **Action: TERM Judge: CHASANOH**

Date: **07/18/2002**

Document Name: **Trial Moot**

Docket Text: **Action: MOOT**

Date: **06/24/2002**

Document Name: **Pre Trial Conf Cont In Court**

Docket Text: **Action: CONT Judge: CHASANOH**

Date: **07/10/2002**

Document Name: **Pre Trial Conference Held**

Docket Text: **Action: HELD Judge: CHASANOH**

Date: **09/14/2001**

Document Name: **Fee: New Case**

Docket Text:

Date: **09/14/2001**

Document Name: **Fee: Maryland Legal Service**

Docket Text:

Date: **09/14/2001**

Document Name: **Fee: Plaintiff Appearance**

Docket Text:

Date: **10/04/2001**

Document Name: **Fee: Defense Appearance**

Docket Management

Docket Cover

Botched
delivery

Case ID : 20010344

Description : McINTYRE v. ALEXANDER

Specialty : OBS

Date Filed : 06/13/2001

Docket Clerk : Darv

Date Closed : 08/23/2001

Venue : PGEO

Date Updated : 08/29/2001

Claimant and Attorney

Ms. Marcella McIntyre
Apartment #204
1924 Ridgecrest Court, Southeast
Washington DC 20020
- -

Lawyer Type : **Primary**
Date Started : **06/15/2001**
Date Ended :

J. Philip Kessel
KARP, FROSH, LAPIDUS, WIGODSKY & NORWIND, P.A.
Suite #290
1370 Piccard Drive
Rockville MD 20850
(301) 948-3800

Mr. Mark Clifton
Apartment #204
1924 Ridgecrest Court, Southeast
Washington DC 20020
- -

Lawyer Type : **Primary**
Date Started : **06/15/2001**
Date Ended :

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(301) 948-3800

Mr. D'Marco Clifton
- -

Lawyer Type : **Primary**
Date Started : **06/15/2001**
Date Ended :

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1370 Piccard Drive
Rockville MD 20850
(301) 948-3800

Health Care Provider and Attorney

Dr. Harold O. Alexander
Suite One
7306 Central Avenue
Capitol Heights MD 20743
- -

Lawyer Type : **Primary**
Date Started : **07/18/2001**
Date Ended :

Anne Marie McGinley
200 Washington Business Park
4601 Forbes Boulevard
Post Office Box 40
Lanham MD 20703-0040
(301) 306-4300

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

2001.344

CLAIM FORM

HCA NO. _____

CLAIMANT(S)

Marcella McIntyre
Name
1924 Ridgcrest Ct., S.E., Apt. 204
Street Address
Washington, D.C. 20020
City, State, Zip Code
237-33-8471
Social Security Number

Mark Clifton
Name
1924 Ridgcrest Ct., S.E., Apt. 204
Street Address
Washington, D.C. 20020
City, State, Zip Code
577-94-2225
Social Security Number

HEALTH CARE PROVIDER(S)

Harold O. Alexander, M.D.
Name
7306 Central Ave., Suite #1
Street Address
Capitol Heights, Md. 20743
City, State, Zip Code

Name
Street Address JUN 18 2001

City, State, Zip Code
HEALTH CLAIMS
ARBITRATION OFFICE

Name
Street Address
City, State, Zip Code

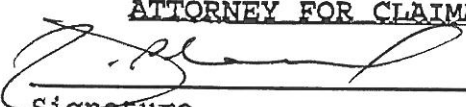
(1) This claim is filed pursuant to Title 3, Subtitle 2A of the Courts Article. The damages claimed are in excess of \$25,000.00 and the appropriate venue is: Prince George's County.

(2) The basis of the claim is described on the page(s) attached hereto.

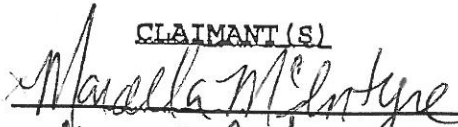
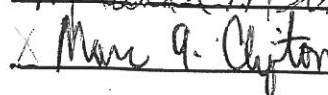
(3) The resolution of the claim will involve particular expertise in this area of specialty obstetrics
(PLEASE SEE REVERSE SIDE FOR AREAS OF CONCENTRATION)

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)


Signature
1370 Piccard Dr., Suite 290
Street Address
Rockville, Md. 20850
City, State, Zip Code
301-948-3800
Telephone Number

CLAIMANT(S)


X 
Signature of each Claimant

1-A

CAZ 01 - 19802

delivery.

Settlement reached, confidential
in best interest of minor.

CAL 01- 19802

McIntyre v. Alexander

delivery of minor plaintiff,
brachial plexis injury to r. upper
extremity

alleged excessive traction to head