

Docket Management Docket Cover

Botched
delivery

9

Case ID : 20020259

Specialty : OBS

Description : SAGO v. SMITH, et al.

Date Filed : 05/30/2002

Docket Clerk : Darv

Date Closed : 05/30/2002

Venue : PGEO

Date Updated : 05/31/2002

Claimant and Attorney

Ms. Maleka Sago
3906 Northgate Place
Waldorf MD 20602
- -

Lawyer Type : **Primary**
Date Started : **05/30/2002**
Date Ended :

Brian Kim
PAULSON & NACE
1814 "N" Street, Northwest
Washington DC 200362404
(202) 463-1999

Ms. Amira Sago
- -

Lawyer Type : **Primary**
Date Started : **05/30/2002**
Date Ended :

Brian Kim
PAULSON & NACE
1814 "N" Street, Northwest
Washington DC 200362404
(202) 463-1999

Health Care Provider and Attorney

Dr. Elliece S. Smith
9470 Annapolis Road, #316
Lanham MD 20706-

Lawyer Type : **Primary**
Date Started : **05/30/2002**
Date Ended :

No Lawyer
MD
000-000-0000

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

Lawyer Type : **Primary**
Date Started : **05/30/2002**
Date Ended :

No Lawyer
MD
000-000-0000

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

2002-259

CLAIM FORM

HCA NO.

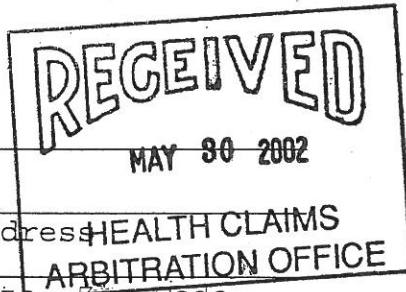
CLAIMANT(S)

Maleka Sago
Name
3906 Northgate Place
Street Address
Waldorf, MD 20602
City, State, Zip Code
552-23-8322
Social Security Number

Name

Street Address
City, State, Zip Code

Social Security Number



HEALTH CARE PROVIDER(S)

Elliece S. Smith, M.D.
Name
9470 Annapolis Road, Suite 316
Street Address
Lanham, MD 20706-3022
City, State, Zip Code

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

Prince George's Hospital Center
Name
3001 Hospital Drive
Street Address
Cheverly, MD 20785
City, State, Zip Code

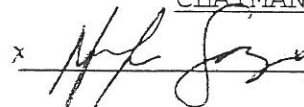
- (1) This claim is filed pursuant to Title 3, Subtitle 2A of the Courts Article. The damages claimed are in excess of \$25,000.00 and the appropriate venue is: P.G. County.
- (2) The basis of the claim is described on the page(s) attached hereto.
- (3) The resolution of the claim will involve particular expertise in this area of specialty obstetrics (029).
(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
1814 N Street, NW
Street Address
Washington, DC 20036
City, State, Zip Code
(202) 463-1999
Telephone Number

CLAIMANT(S)

x 

Signature of each Claimant

IN THE HEALTH CLAIMS ARBITRATION OFFICE OF MARYLAND

MALEKA SAGO, *Individually and as*
Legal Guardian to AMIRA SAGO, a Minor
3906 Northgate Place
Waldorf, MD 20602

Plaintiff,

v.

HCA No.

2002-259

PRINCE GEORGE'S HOSPITAL CENTER
3001 Hospital Drive
Cheverly, MD 20785

Serve: Charles E. Rosolio, Esq.
502 Washington Avenue, Suite 220
Towson, MD 21204

and

DIMENSION HEALTHCARE SYSTEM
3001 Hospital Drive, Suite 4000
Cheverly, MD 20785

Serve: Charles E. Rosolio, Esq.
502 Washington Avenue, Suite 220
Towson, MD 21204

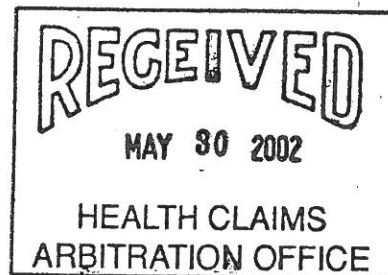
and

ELLIECE S. SMITH, M.D.
9470 Annapolis Road, Suite 316
Lanham, MD 20706-3022

and

HAROLD O. ALEXANDER, M.D.
7306 Central Avenue, #1
Capitol Heights, MD 20743-2753

Health Care Providers.



STATEMENT OF CLAIM

1. Plaintiff resides in Prince George's County, Maryland.

2. All Health Care Providers reside in Prince George's County, Maryland.
3. The amount in controversy exceeds \$25,000.00.
4. Venue for this claim is proper in Prince George's County, Maryland.
5. Plaintiff Maleka Sago is the mother and legal guardian of Amira Sago, a minor ("Baby Amira").
6. Dr. Smith, Dr. Alexander, Prince George's County Hospital ("P.G. County Hospital"), and Dimension Healthcare System ("Dimension Healthcare") are health care providers as defined by Cts. & Jud. Proc. § 3-2A-01(e).
7. Upon information and belief, at all times relevant herein, Drs. Smith and Alexander served as agents, employees, servants, or officers of Prince George's Hospital and/or Dimension Healthcare.
8. Upon information and belief, the doctors, nurses and staff who assisted during the delivery of Baby Amira at P.G. County Hospital served as agents, employees, servants, or officers of Prince George's Hospital and/or Dimension Healthcare.
9. At all times relevant herein, Dr. Alexander was the primary obstetrician of Plaintiff during her pregnancy with Baby Amira.
10. Dr. Alexander informed Plaintiff that she required a c-section for the delivery of Baby Amira.
11. Dr. Alexander failed to chart and/or inform Dr. Smith and/or anyone at P.G. County Hospital that Plaintiff required a c-section for the delivery of Baby Amira.
12. On or about the late evening July 4, 1999, Plaintiff presented to P.G. County Hospital because she was pregnant and her water broke.
13. On or about July 5, 1999, Dr. Smith, along with other doctors, nurses and staff of P.G. County Hospital, delivered Baby Amira vaginally.

14. Plaintiff had informed Dr. Smith that she required a c-section for the delivery of Baby Amira.
15. During the delivery process, Dr. Smith, along with the other doctors, nurses and staff of P.G. County Hospital were negligent in their care and treatment of Plaintiff and Baby Amira in that they failed to appropriately diagnose and monitor complications of Plaintiff's delivery, including but not limited to, shoulder dystocia presentation.
16. As a proximate result of the negligence of the Health Care Providers as described above, Baby Amira was injured in numerous ways, including but not limited to, suffering severe brachial plexus injuries. As a further proximate result of the negligence of Health Care Providers, Baby Amira requires and will continue to require frequent medical evaluation and care, physical therapy and testing. Baby Amira has suffered and will in the future continue to suffer pain, mental anguish, embarrassment, humiliation, disfigurement, and loss of the ability to lead a normal life. Baby Amira will, upon attaining majority, suffer a loss of earnings and an impairment of earning capacity.
17. As a proximate result of the negligence of the Health Care Providers as described above, Plaintiff has suffered, and will continue to suffer in the future, the extraordinary additional financial burden of raising and supporting a child with severe birth defects, mental anguish and emotional pain and suffering. Plaintiff has otherwise been injured without any negligence on her part contributing thereto.

Claim for Relief
(Medical Negligence)

18. Plaintiff incorporates each and every allegation set forth above as if fully set forth

herein.

19. At all times material hereto, each and every identified Health Care Provider owed to Plaintiff and Baby Amira a duty to act in accordance with the applicable standards of care.
20. At all times material hereto, each and every identified Health Care Provider breached the applicable standards of care and were negligent in the care and treatment of Plaintiff and Baby Amira in numerous ways, including, but not limited to:
 - a. failure to properly evaluate and examine mother and fetus;
 - b. failure to properly anticipate the likelihood of shoulder dystocia;
 - c. failure to properly anticipate and/or appreciate fetal size;
 - d. failure to use proper care and attention in the delivery of Baby Amira;
 - e. failure to appreciate and properly respond to a shoulder dystocia presentation;
 - f. failure to appropriately respond to evidence of poor progression of labor;
 - g. failure to perform a caesarian section;
 - h. failure to exercise reasonable care under the circumstances.
21. As a proximate result of the aforesaid negligence of the Health Care Providers, Baby Amira sustained serious and disabling damage to her body, including but not limited to, severe brachial plexus injuries, for which she requires and will continue to require frequent medical evaluation and care, physical therapy and testing. As a further direct and proximate result of the aforesaid negligence of Health Care Providers, Baby Amira has suffered and will in the future continue to suffer pain, mental anguish, embarrassment, humiliation, disfigurement, and loss of the ability to lead a normal life. Baby Amira will, upon attaining majority, suffer a loss of earnings and an impairment of earning capacity.
22. As a proximate result of the negligence of Health Care Providers, Plaintiff has incurred and will continue in the future to incur medical and related expenses for

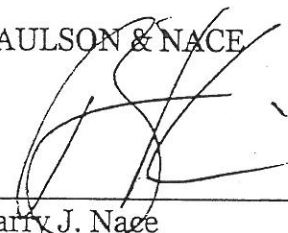
the care and treatment of Baby Amira. As a further proximate result of the negligence of Health Care Providers, Plaintiff has lost the normal service of Baby Amira for the duration of her minority. Plaintiff has suffered, and will continue to suffer in the future, the extraordinary additional financial burden of raising and supporting a child with severe birth defects, mental anguish and emotional pain and suffering.

* * *

WHEREFORE, Plaintiff, individually and as legal guardian of Baby Amira, requests judgment against each Health Care Provider in an amount in excess of the minimum jurisdictional requirement, together with interest, costs, and attorneys fees.

Respectfully submitted,

PAULSON & NACE



Barry J. Nace
Brian Kim
1814 N Street, NW
Washington, DC 20036
(202) 463-1999

Counsel for Plaintiff

IN THE HEALTH CLAIMS ARBITRATION OFFICE

MALEKA SAGO
AMIRA SAGO

Claimants

v.

PRINCE GEORGE'S HOSPITAL CENTER *
DIMENSIONS HEALTHCARE SYSTEM *
ELLIECE S. SMITH, M.D. *
HAROLD O. ALEXANDER, M.D. *

Health Care Providers

HCA #2002-0259

ORDER OF TRANSFER

The Claimants, Maleka Sago and Amira Sago, having elected to Waive Arbitration under the provisions of the Annotated Code of Maryland, Courts and Judicial Proceedings Article, Section 3-2A-06B, it is this **Thirty-First Day of May 2002**, by the Health Claims Arbitration Office, hereby;

ORDERED, That this case shall be, and it is hereby, transferred to the **Circuit Court for Prince George's County, Maryland.**


HARRY L. CHASE, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That copies of the above ORDER OF TRANSFER have been mailed, postage prepaid this Thirty-First Day of May 2002, to Brian Kim, Esquire, Barry J. Nace, Esquire, PAULSON & NACE, 1814 "N" Street, Northwest, Washington, D.C. 20036; Prince George's Hospital Center and Dimensions Healthcare System, c/o Charles E. Rosolio, Esquire, Suite #220, 502 Washington Avenue, Towson, Maryland 21204; Elliece S. Smith, M.D., Suite #316, 9470 Annapolis Road, Lanham, Maryland 20706-3022 and Harold O. Alexander, M.D., Suite #1, 7306 Central Avenue, Capitol Heights, Maryland 20743-2573.


HARRY L. CHASE, Director

8

IN THE HEALTH CLAIMS ARBITRATION OFFICE OF MARYLAND

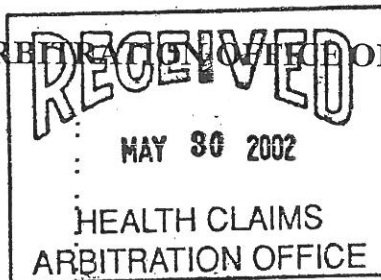
MALEKA SAGO, *Individually and as
legal guardian to* AMIRA SAGO

Plaintiff,

v.

ELLIECE S. SMITH, M.D., *et al.*

Health Care Providers.



2002-259

: HCA No.
:
:
:
:

CERTIFICATE OF QUALIFIED EXPERT

I, Joel Palmer, M.D., hereby certify as follows:

1. I am a board-certified licensed physician with a specialty in the field of OB/GYN.
2. I have reviewed Plaintiff's medical records, while she was under the care of the Health Care Provider(s) named herein.
3. From my review of the records, it is my opinion to within a reasonable degree of medical certainty that the Health Care Provider(s) failed to meet their obligations under the standard of care applicable to Plaintiff.
4. It is further my opinion to within a reasonable degree of medical certainty that these failures to comply with the standard of care were a direct and proximate cause and a substantial contributing factor to Plaintiff's injuries.
5. I do not annually devote more than twenty percent (20%) of my professional time to activities that directly involve testimony in personal injury claims.

June 25, 2001
Date

Joel Palmer
Joel Palmer, M.D.

IN THE CIRCUIT COURT FOR PRINCE GEORGES COUNTY, MARYLAND
Civil Division

MALEKA SAGO, *Individually and as Legal
Guardian to AMIRA SAGO, a Minor*
3906 Northgate Place
Waldorf, MD 20602

Plaintiff,

v.

CAL

ELLIECE S. SMITH, M.D.
9470 Annapolis Road, Suite 316
Lanham, MD 20706-3022

and

HAROLD O. ALEXANDER, M.D.
306 Central Avenue, #1
Capitol Heights, MD 20743-2753

Defendants.

COMPLAINT

1. This claim was originally filed in the Health Claims Arbitration Office. Plaintiff elected to waive arbitration pursuant to Md. Code Ann., Courts and Judicial Proceedings § 3-2A-06B.
2. All parties reside or do business in Prince George's County, Maryland.
3. Plaintiff Maleka Sago is the mother and legal guardian of Amira Sago, a minor ("Baby Amira").
4. Defendants are health care providers licensed to practice medicine in Maryland.
5. At all times, Plaintiff, Defendant Dr. Alexander was the primary obstetrician of Plaintiff during her pregnancy with Baby Amira.
6. Dr. Alexander informed Plaintiff that she required a cesarean for the delivery of Baby Amira.

EXHIBIT

7. Dr. Alexander failed to chart and/or inform Dr. Smith and/or anyone at P.G. Hospital that Plaintiff required a c-section for the delivery of Baby Amira.
8. On or about the late evening July 4, 1999, Plaintiff presented to P.G. Hospital because she was pregnant and her water broke.
9. On or about July 5, 1999, Dr. Smith delivered Baby Amira vaginally.
10. Plaintiff had informed Dr. Smith that she required a c-section for the delivery of Baby Amira.
11. During the delivery process, Dr. Smith was negligent in her care and treatment of Plaintiff and Baby Amira in that she failed to appropriately diagnose and monitor complications of Plaintiff's delivery, including but not limited to, shoulder dystocia presentation.
12. As a proximate result of the negligence of the Defendants as described above, Baby Amira was injured in numerous ways, including but not limited to, suffering severe brachial plexus injuries. As a further proximate result of the negligence of Defendants, Baby Amira requires and will continue to require frequent medical evaluation and care, physical therapy and testing. Baby Amira has suffered and will in the future continue to suffer pain, mental anguish, embarrassment, humiliation, disfigurement, and loss of the ability to lead a normal life. Baby Amira will, upon attaining majority, suffer a loss of earnings and an impairment of earning capacity.
13. As a proximate result of the negligence of the Defendants as described above, Plaintiff has suffered, and will continue to suffer in the future, the extraordinary additional financial burden of raising and supporting a child with severe birth defects. Plaintiff has otherwise been injured without any negligence on her part

failed to chart and/or inform Dr. Smith and/or anyone at Plaintiff required a c-section for the delivery of Baby Amira. In the late evening July 4, 1999, Plaintiff presented to P.G. Hospital pregnant and her water broke.

On July 5, 1999, Dr. Smith delivered Baby Amira vaginally. Plaintiff informed Dr. Smith that she required a c-section for the delivery

process, Dr. Smith was negligent in her care and treatment of Baby Amira in that she failed to appropriately diagnose and manage Plaintiff's delivery, including but not limited to, shoulder dystocia.

As a result of the negligence of the Defendants as described above, Baby Amira is and was injured in numerous ways, including but not limited to, brachial plexus injuries. As a further proximate result of the negligence of the Defendants, Baby Amira requires and will continue to require frequent medical care, physical therapy and testing. Baby Amira has suffered and will continue to suffer pain, mental anguish, embarrassment, humiliation, and loss of the ability to lead a normal life. Baby Amira's parents, the undersigned majority, suffer a loss of earnings and an impairment of their ability to care for Baby Amira.

As a result of the negligence of the Defendants as described above, Plaintiff has suffered, and will continue to suffer in the future, the extraordinary financial burden of raising and supporting a child with severe disabilities that otherwise would not have occurred as a result of the negligence of the Defendants.

IN THE CIRCUIT COURT FOR PRINCE GEORGES COUNTY, MARYLAND
Civil Division

MALEKA SAGO, *Individually and as
Legal Guardian to AMIRA SAGO, a Minor*
3906 Northgate Place
Waldorf, MD 20602

Plaintiff,

v.

PRINCE GEORGE'S HOSPITAL CENTER
3001 Hospital Drive
Cheverly, MD 20785

Serve: Irene F. Murphy
12110 Long Ridge Lane
Bowie, MD 20715

and

IMENSION HEALTHCARE SYSTEM
3001 Hospital Drive, Suite 4000
Cheverly, MD 20785

Serve: Stephen R. Smith, Esq.
3001 Hospital Drive
Executive Office Suite 4000
Cheverly, MD 20785

and

ELLIECE S. SMITH, M.D.
9470 Annapolis Road, Suite 316
Lanham, MD 20706-3022

and

HAROLD O. ALEXANDER, M.D.
7306 Central Avenue, #1
Capitol Heights, MD 20743-2753

Defendants.

FILED

AUG 6 2002

CLERK OF THE CIRCUIT COURT
FOR PRINCE GEORGES COUNTY, MD.

CAL

CAL-19556

| | |
|-----------------|--------------|
| Case: CAL-19556 | |
| NEW CASE/CIVIL | |
| CV CLERK FEE | 80.00 |
| NO LEGAL SERV | 10.00 |
| TOTAL | 90.00 |
| Rec'd PCOL | Rep: 1 93628 |
| REP INC | 81K 1 991 |
| AUG 07, 2002 | 11:03 am |

COMPLAINT

1. This claim was originally filed in the Health Claims Arbitration Office. Plaintiff elected to waive arbitration pursuant to Md. Code Ann., Courts and Judicial Proceedings § 3-2A-06B.
2. Plaintiff resides in Prince George's County, Maryland.
3. All Defendants reside in Prince George's County, Maryland.
4. Plaintiff Maleka Sago is the mother and legal guardian of Amira Sago, a minor ("Baby Amira").
5. Dr. Smith, Dr. Alexander, Prince George's Hospital Center ("P.G. Hospital"), and Dimension Healthcare System ("Dimension Healthcare") are health care providers.
6. Upon information and belief, at all times relevant herein, Drs. Smith and Alexander served as agents, employees, servants, or officers of P.G. Hospital and/or Dimension Healthcare.
7. Upon information and belief, the doctors, nurses and staff who assisted during the delivery of Baby Amira at P.G. Hospital served as agents, employees, servants, or officers of P.G. Hospital and/or Dimension Healthcare.
8. At all times relevant herein, Dr. Alexander was the primary obstetrician of Plaintiff during her pregnancy with Baby Amira.
9. Dr. Alexander informed Plaintiff that she required a c section for the delivery of Baby Amira.
10. Dr. Alexander failed to chart and/or inform Dr. Smith and/or anyone at P.G. Hospital that Plaintiff required a c-section for the delivery of Baby Amira.
11. On or about the late evening July 4, 1999, Plaintiff presented to P.G. Hospital be-

cause she was pregnant and her water broke.

12. On or about July 5, 1999, Dr. Smith, along with other doctors, nurses and staff of P.G. Hospital, delivered Baby Amira vaginally.
13. Plaintiff had informed Dr. Smith that she required a c-section for the delivery of Baby Amira.
14. During the delivery process, Dr. Smith, along with the other doctors, nurses and staff of P.G. Hospital were negligent in their care and treatment of Plaintiff and Baby Amira in that they failed to appropriately diagnose and monitor complications of Plaintiff's delivery, including but not limited to, shoulder dystocia presentation.
15. As a proximate result of the negligence of the Defendants as described above, Baby Amira was injured in numerous ways, including but not limited to, suffering severe brachial plexus injuries. As a further proximate result of the negligence of Defendants, Baby Amira requires and will continue to require frequent medical evaluation and care, physical therapy and testing. Baby Amira has suffered and will in the future continue to suffer pain, mental anguish, embarrassment, humiliation, disfigurement, and loss of the ability to lead a normal life. Baby Amira will, upon attaining majority, suffer a loss of earnings and an impairment of earning capacity.
16. As a proximate result of the negligence of the Defendants as described above, Plaintiff has suffered, and will continue to suffer in the future, the extraordinary additional financial burden of raising and supporting a child with severe birth defects, mental anguish and emotional pain and suffering. Plaintiff has otherwise been injured without any negligence on her part contributing thereto.