

BRENDA STONE
4 Thurmont Ct.
Baltimore, MD 21236

v.

DAVID O'NEIL M.D.
3545 Bay Drive
Baltimore, MD 21221

* IN THE
* CIRCUIT COURT

* FOR

* BALTIMORE COUNTY

* Case No.

Case: 03-C-97-002770

Appearance Fee

TOTAL

00.00

10.00

100.00

COMPLAINT

COMMENT:

Stone vs O'Neil C-97-2770

Brenda Stone, Plaintiff, by her attorneys, Beverly A. Wallace and Bregel Kerr, Wallace & Dantes, sues David O'Neil M.D., Defendant, and states:

1. That Plaintiff is a resident of Baltimore County;
2. That Defendant is a resident of Baltimore County;
3. That Defendant, at all times relevant, was a licensed physician practicing

in and providing medical care and treatment and other related services in Baltimore County, Maryland;

STATEMENT OF FACTS

4. That on or about December 17, 1995 Plaintiff became employed as a medical assistant in the Obstetrical/Gynecological medical practice owned and operated by Defendant at 17 Fontana Lane;

5. That Plaintiff was employed on an at will basis and did not have a written employment contract or a specific term of employment with Defendant;

6. That Plaintiff earned Eighteen Thousand Dollars (\$18,000.00) per year as a medical assistant and was entitled to bonuses and other remuneration;

7. That, beginning on or about February 1, 1996, Defendant began engaging

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ST. PAULI M.D.C.

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in a pattern of behavior both in and out of the presence of third parties intended to intimidate, embarrass, and humiliate plaintiff, consisting of, inter alia:

- a. Making remarks about the size and shape of Plaintiff's breasts;
- b. Making remarks comparing the size and shape of Plaintiff's breasts to the breasts of the unclothed and unconscious patients in the medical practice;
- c. Making remarks and asking questions about the sexual practices and habits of Plaintiff;
- d. Licking his finger and then attempting to place it in Plaintiff's mouth; and
- e. Relaying information about his personal sexual life, to wit:
 - i. Informing Plaintiff that he was taking the antidepressant Prozac;
 - ii. Complaining to Plaintiff that taking Prozac was lessening his libido;
 - iii. Bragging to Plaintiff that, although his libido had decreased, he was able to sustain an erection for longer periods of time;

8. On or about May 30, 1997, Defendant summoned Plaintiff into his office and instructed Plaintiff to close her eyes, breathe deeply through her nose, and identify a particular smell;

9. Plaintiff followed Defendant's directions and detected a pungent smell;

10. Upon opening her eyes, Plaintiff discovered that Defendant had ejaculated into a specimen container and placed the open container under her nose;

11. Plaintiff immediately reported the incident to the acting administrator, Debbie Riesler and then to the office administrator, Barbara Boyd;

12. Defendant kept the container containing his ejaculate on the floor of his office for a two week period after the incident;

13. Plaintiff sought and obtained new employment, leaving the Defendant's employ on or about August 31, 1996.

COUNT I - ASSAULT

14. Plaintiff hereby incorporates by reference and realleges paragraphs 1 through 13;

15. On the day Defendant placed a specimen cup under the nose of Plaintiff, Plaintiff was placed in fear of an offensive contact;

16. Defendant acted with the intent and capability to harm Plaintiff; and

17. Defendant's actions caused Plaintiff to be put in reasonable apprehension of an imminent battery; and

18. As a result of Defendant's conduct and actions, Plaintiff has suffered and will continue to suffer severe mental anguish, medical and other expenses, and loss of income.

WHEREFORE, Plaintiff demands judgment against Defendant for the sum of Two Hundred Thousand Dollars (\$200,000.00) in compensatory damages and One Million Dollars (\$1,000,000.00) in punitive damages, with interest and costs.

**COUNT II - INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS**

19. Plaintiff hereby incorporates by reference and realleges paragraphs 1 through 13;

20. Defendant's conduct was intentional, reckless, and in deliberate disregard of a high degree of probability that emotional distress would result to the Plaintiff;

21. The aforesaid conduct by Defendant was extreme and outrageous and beyond the bounds of decency in society; and

22. As a result of the aforesaid conduct and actions, the Plaintiff has suffered, and will continue to suffer, severe and extreme emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages in the amount of Two Hundred Thousand Dollars (\$200,000.00) and punitive damages in the amount of One Million Dollars (\$1,000,000.00), plus interest and the costs of this action.

**COUNT III - CONSTRUCTIVE WRONGFUL
TERMINATION OF EMPLOYMENT**

23. Plaintiff hereby incorporates by reference and realleges paragraphs 1 through 13;

24. Defendant's conduct was of a sexual nature;

25. Defendant's conduct and actions constituted a pattern of behavior intended to cause the Plaintiff discomfort;

26. Defendant's unwelcome conduct was sufficiently severe and pervasive to alter Plaintiff's conditions of employment and to create an abusive working environment;

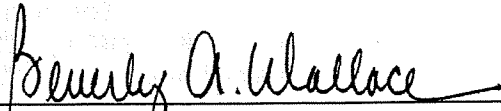
27. The sole basis for the termination of Plaintiff's employment was her discomfort around Defendant;

28. The avowed public policy of the State of Maryland is to discourage patterns of sexual harassment as defined by Title 42 U.S.C §2000e et seq.;

29. As a result of the constructive wrongful termination of Plaintiff, she has been forced to accept employment at a lower salary, lost benefits and other remuneration, and has otherwise been damaged.

WHEREFORE, Plaintiff demands judgment against Defendant in the sum of Two

Hundred Thousand Dollars (\$200,000) in compensatory damages and One Million Dollars (\$1,000,000.00) in punitive damages, with interest and costs.



BEVERLY A. WALLACE

Bregel, Kerr, Wallace & Dantes

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Suite 200

Towson, Maryland 21286

Attorney for Plaintiff

CIRCUIT COURT FOR BALTIMORE COUNTY

Suzanne Mensh

Clerk of the Circuit Court

County Courts Building

401 Bosley Avenue

P.O. Box 6754

Towson, MD 21285-6754

(410)-887-2601, TTY for Deaf: (800)-735-2258

Maryland Toll Free Number (800) 938-5802

11/06/03

Case Number: 03-C-97-002770 OT

Date Filed: 03/19/1997

Status: Closed/Active

Judge Assigned: To Be Assigned,

Location :

Stone vs ONeil

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Case Folder ID	C97002770V01

INVOLVED PARTIES

Type Num	Name(Last.First.Mid.Title)	Addr Str/End	Disposition Addr Update	Entered
PLT 001	Stone, Brenda	Party ID: 0143491	BT SE 02/10/98	03/19/97
	Mail: 4 Thurmont Court Baltimore, MD 21236	03/19/97		
	Attorney: 0022932 Wallace, Beverly A Wallace & Dantes L L C 29 W Susquehanna Ave Suite 200 Towson, MD 21204 (410)296-5331			03/19/97
DEF 001	ONeil, David	Party ID: 0143492	BT SE 02/10/98	03/19/97

Capacity : M D
 Mail: 3545 Bay Drive
 Baltimore, MD 21221

03/19/97

Attorney: 0027425 Collins, Michael J
 Thomas & Libowitz, P A
 100 Light Street
 Suite 1100
 Baltimore, MD 21202-1053
 (410)752-2468

04/10/97

Type Num	Name(Last.First.Mid.Title)	Addr Str/End	Disposition Addr Update	Entered
ITP 001	Maryland State Board Of Physician Quality Assurance			05/17/99
			Party ID: 0293691	
	Attorney: 0009480 Keech, Thomas W			05/17/99
	Suite 302			
	300 W Preston St			
	Baltimore, MD 21201			
	(410)767-1863			
ITP 002	Office Of The Attorney General			08/25/00
			Party ID: 0381061	
	Attorney: 0012868 Pepper, Victoria Henry			08/25/00
	Assistant Attorney General			
	300 West Preston St			
	Ste 302			
	Baltimore, MD 21201			
	(410)767-1873			

CALENDAR EVENTS

Date	Time	Dur	Event Description	Text SA	Jdg Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec			
01/20/98	09:00A		Settlement Conference		FEC	01 /01	AS ED
	Conclude		02/10/98 C F.Cicone	Y			
02/25/98	09:30A	06H	Civil Jury Trial	Y	TBA	01 /02	AS ED
	Vacate		02/24/98				
02/26/98	09:30A	06H	Civil Jury Trial	Y	TBA	02 /02	AS ED
	Vacate		02/24/98				

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign	Date	Removal	RSN
TBA To Be Assigned.	J		03/19/97		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0001000	Complaint with Request for Jury Trial	03/19/97	03/19/97	PLT001	TBA		CKC CKC
0001001	Answer	04/07/97	04/10/97	DEF001	TBA	02/10/98	JMG ED
0002000	Writ of Summons - Civil	03/19/97	03/19/97	DEF001	TBA	03/19/97	CKC CKC
0003000	Scheduling Order	07/01/97	07/01/97	000	TBA	07/01/97	AS AS
0004000	Defendants Expert Reports or Disclosures	11/13/97	11/13/97	000	TBA	02/10/98	CKC ED
0005000	Motion For Summary Judgment memoarandum. exhibit Granted as to Count II and Denied as to Counts I and III of the complaint, etc.	12/19/97	12/22/97	DEF001	JTS Granted/Denied in	01/20/98	JBK MR
0005001	Answer with Memorandum and Exhibits. (No DCM).	01/06/98	01/06/98	PLT001	TBA	02/10/98	DFF ED
0006000	Settlement on Record February 10, 1998 Hon. Frank E. Ciccone Case settled on the record. Defendant to pay open Court costs. Case hereby dismissed with prejudice upon payment of costs.	02/24/98	02/24/98	000	FEC	02/24/98	ED ED
0007000	SE Invoice #86 sent to Michael Collins	02/10/98	02/25/98	000	TBA		SD SD
0008000	Motion for Protective Order (No DCM). Beverly A. Wallace shall provide documents on or before 2/3/99. Motion is SEALED	12/10/98	12/11/98	PLT001	JNB Denied	01/27/99	DFF MR
0008001	Opposition to Motion** filed by Maryland State Board of Physician Quality Care atty: Thomas W. Keech 300 W. Preston St #302 21201 410-767-6917	12/24/98	12/24/98	000	TBA		PH PH
0009000	Motion to enforce compliance w/subpoena filed by the "Board"	12/23/98	12/24/98	000	TBA		PH PH
0000000	Motion to seal investigation documents**	12/23/98	12/24/98	000	JNB Granted	01/27/99	PH MR

filed by the "Board"

Num/Seq Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0011000 Motion for Protective Order	04/30/99	05/03/99	PLT001	AW Denied	06/11/99	CKC LG
0011001 Opposition to Motion filed by Maryland State Board of Physician Quality Assurance	05/14/99	05/17/99	000	TBA		MJ MJ
0012000 Motion to Enforce Compliance	05/14/99	05/17/99	ITP001	TBA		MJ MJ
0013000 Motion to Seal	05/14/99	05/17/99	ITP001	AW Granted	06/11/99	MJ LG
0014000 Motion for Amended Order with memorandum	08/23/00	08/25/00	ITP002	AW Granted	09/26/00	AR JBJ
0014001 *Opposition to Motion for Amended Order	09/18/00	09/19/00	PLT001	TBA		AR AR
0014002 *Opposition to Motion	09/25/00	09/26/00	ITP002	TBA		MI MI
0015000 Motion to Seal	08/23/00	08/25/00	ITP002	LRD Granted	10/11/00	AR PH

SERVICE

Form Name	Issued	Response	Served	Returned	Agency
WRIT OF SUMMONS	03/19/97	11/29/97	10/30/97		Private Process
DEF001 ONeil, David					
**					

TICKLE

Code Tickle Name	Status Expires	#Days	AutoExpire	GoAhead	From Type	Num Seq
1ANS 1st Answer Tickle	CLOSED 04/07/97	0	no	no	DANS D	001 001
35AS 35 Day Tickle After	CANCEL 12/17/97	35	no	no	DANS D	000 000
CTOS Create Tickle On Ser	CANCEL 03/19/97	0	no	no		000 000
NCDT Notice Of Contemplat	CANCEL 07/17/97	120	no	no	DANS D	000 000
SLMR Set List For Motions	CANCEL 01/10/98	22	no	no	DANS D	000 000
SLMR Set List For Motions	CANCEL 01/14/99	35	no	no	MOPP D	000 000
SLMR Set List For Motions	CANCEL 01/15/99	23	no	no	MMOT D	000 000
SLMR Set List For Motions	CANCEL 05/22/99	22	no	no	MOPP D	000 000

