

HEALTH CLAIMS ARBITRATION OFFICE
 State of Maryland
 118 North Howard Street, Suite 610
 Baltimore, MD 21201

STATEMENT OF CLAIM

HCA NO. _____

CLAIMANT(S)

HEALTH CARE PROVIDER(S)

Kathy A. Smith
 Name
14129 Yorkshire Woods Drive
 Street Address
Silver Spring, MD 20906
 City, State, Zip Code

Suba V. Vinayakom, M.D.
 Name
8607 2nd Avenue, #307
 Street Address
Silver Spring, MD 20910
 City, State, Zip Code

 Name

 Street Address

 City, State, Zip Code

Cygma Health Center, Inc.
 Name
3835 Farragut Avenue
 Street Address
Kensington, MD 20895
 City, State, Zip Code



 Name

 Street Address

 City, State, Zip Code

HEALTH CLAIMS ARBITRATION OFFICE
Serve: Jerome Collidge
 Name
10 Gerard Avenue
 Street Address
Timonium, MD 21093
 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 \$10,000.00 and the appropriate venue is: Montgomery County, 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 the area of speciality as indicated: OB/GYN

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

ATTORNEY FOR CLAIMANT(S)

CLAIMANT(S)

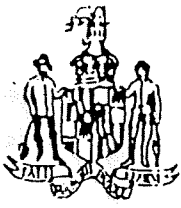
Gary A. Stein
 Signature Gary A. Stein, Esquire
1828 L Street, N.W., Suite 500
 Street Address
Washington, DC 20036
 City, State, Zip Code
(202) 296-1000
 Telephone Number

Kathy A. Smith

14129 Yorkshire Woods Drive

Silver Spring, MD 20906

X Kathy A. Smith
 Signature of each Claimant



HEALTH CLAIMS ARBITRATION OFFICE
 State of Maryland
 118 North Howard Street, Suite 610
 Baltimore, MD 21201

STATEMENT OF CLAIM

HCA NO. 82-512

CLAIMANT(S)

HEALTH CARE PROVIDER(S)

Name _____

Dorothy Gaither, M.D.

Street Address _____

Name Medical Director

City, State, Zip Code _____

Street Address Cygma Health Center, Inc.

City, State, Zip Code 106 Irving Street, N.W., #216

Name _____

Name Washington, DC 20010

Street Address _____

Street Address _____

City, State, Zip Code _____

City, State, Zip Code _____

Name _____

Name _____

Street Address _____

Street Address _____

City, State, Zip Code _____

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ATTORNEY FOR CLAIMANT(S)

CLAIMANT(S)

Gary A. Stein

Signature Gary A. Stein, Esquire

Kathy A. Smith

Street Address 1828 L Street, N.W., Suite 500

Street Address 14129 Yorkshire Woods Drive

City, State, Zip Code Washington, DC 20036

City, State, Zip Code Silver Spring, MD 20906

Telephone Number (202) 296-1000

Kathy A. Smith
 Signature of each Claimant

HEALTH CLAIMS ARBITRATION OFFICE
STATE OF MARYLAND

KATHY A. SMITH
14129 Yorkshire Woods Drive
Silver Spring, MD 20906

CLAIMANT

v.

V. SUBA VINAYAKOM, M.D.
8607 2nd Avenue, #307
Silver Spring, MD 20910

and

CYGMA HEALTH CENTER, INC.
3835 Farragut Avenue
Kensington, MD 20895

Serve Registered Agent:
Jerome Collidge
10 Gerard Avenue
Timonium, MD 21218

and

DOROTHY GAITHER, M.D.
Medical Director
Cygma Health Center, Inc.
106 Irving Street, N.W., #216
Washington, DC 20010

HEALTH CARE PROVIDERS

92-5121

HCA No.: _____

RECEIVED

DEC 14 1992

HEALTH CLAIMS
ARBITRATION OFFICE

STATEMENT OF CLAIM

Claimant, Kathy A. Smith, by and through her counsel, Margolius, Mallios, Davis, Rider & Tomar, and Gary A. Stein, Esquire, brings this claim against V. Suba Vinayakom, M.D., Cygma Health Center, Inc., and Dorothy Gaither, M.D., and for her cause states as follows:

1. The amount of this claim exceeds \$20,000.

2. Venue for this claim is proper in Montgomery County, Maryland in that the actions and omissions complained of occurred in Montgomery County at the Cygma Health Center in Kensington, Maryland.

3. V. Suba Vinayakom, M.D., on information and belief, is a duly licensed physician who practices obstetrics and gynecology in Montgomery County, Maryland, and at all times relevant to this claim held herself out to the public as a competent physician capable of safely performing elective abortions.

4. Cygma Health Center, Inc. at all times relevant to this claim was a Maryland Corporation which owned and operated a medical facility located in Kensington, Montgomery County, Maryland. The facility was called Cygma Health Center, and it provided medical, nursing and related care for women seeking abortions. At all times relevant to this statement of claim, Cygma Health Center held itself out as a reasonably safe facility for performing elective abortions and providing follow-up care.

5. Dorothy Gaither, M.D., is a duly licensed physician, practicing obstetrics and gynecology, who at all times relevant to this Complaint, on information and belief, was the medical director of Cygma Health Center, Inc.

6. The claimant, Kathy A. Smith, is an adult citizen of the United States and a resident of Montgomery County, Maryland.

7. On or about January 2, 1992, the claimant, Kathy A. Smith, reported to Cygma Health Center and underwent an elective abortion performed under the care and supervision of V. Suba Vinayakom, M.D.

8. At all times relevant to this statement of claim, Dr. Vinayakom and the nurses and/or other staff members of Cygma Health Center who assisted her were acting as employees and/or agents of Cygma Health Center, Inc., and were acting in the course and scope of their employment and/or agency.

9. As of January 2, 1992, on information and belief, all employees of Cygma Health Center, Inc. and all medical procedures performed at Cygma Health Center and all protocols, policies and procedures for follow-up care, were under the general supervision and authority of its medical director, Dorothy Gaither, M.D.

10. At all times relevant to this statement of claim, V. Suba Vinayakom, M.D. and all nurses and/or staff members of Cygma Health Center who assisted in the elective abortion of Kathy A. Smith and who participated in her post-procedure care and case management, had a duty to perform their functions within the appropriate standard of care.

11. The health care providers who performed the elective abortion on Kathy A. Smith and who provided her post procedure care and case management breached their standard of care in that they discharged Kathy A. Smith on January 2, 1992 having

performed an incomplete abortion and thereafter failed to manage her post-operative care appropriately.

12. Dorothy Gaither, M.D. breached her duty to supervise the employees of Cygma Health Center, Inc., and/or to establish and enforce procedures, policies and protocols for the care and management of abortion patients within the applicable standard of care.

13. As a proximate result of the negligence of the health care providers and without any negligence or assumption of risk on the part of the claimant causing or contributing to her injuries, claimant was caused to suffer and did suffer extensive infection, septic shock, internal bleeding, permanent injury to vital organs, and was caused to undergo a hysterectomy such that she is permanently sterilized, suffered extreme physical pain and emotional distress, and was hospitalized for approximately one month. Moreover, claimant was caused to incur significant medical expenses, and suffered the loss of wages for an extended period of time. Many of claimant's injuries and damages are permanent in nature.

WHEREFORE, the claimant makes claim against the health care providers, jointly and severally, for an amount in excess of \$20,000.

Respectfully submitted,

MARGOLIUS, MALLIOS, DAVIS
RIDER & TOMAR

By: Gary A. Stein

Gary A. Stein, Esquire
1828 L Street, NW, Suite 500
Washington, D.C. 20036
(202) 296-1000
Counsel for Claimant

RULE 1-313 CERTIFICATION

The undersigned attorney hereby certifies, pursuant to Rule 1-313, that he is a member in good standing of the bar of the state of Maryland and, although he maintains an office for the practice of law in the state of Maryland, he prefers to receive all pleadings and correspondence relating to this case at the D.C. address above.

Gary A. Stein

Gary A. Stein

HEALTH CLAIMS ARBITRATION OFFICE
STATE OF MARYLAND

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JAN 25 1993

KATHY A. SMITH
14129 Yorkshire Woods Drive
Silver Spring, MD 20906

CLAIMANT

v.

V. SUBA VINAYAKOM, M.D.
8607 2nd Avenue, #307
Silver Spring, MD 20910

and

CYGMA HEALTH CENTER, INC.
3835 Farragut Avenue
Kensington, MD 20895

Serve Registered Agent:
Jerome Collidge
10 Gerard Avenue
Timonium, MD 21218

and

DOROTHY GAITHER, M.D.
Medical Director
Cygma Health Center, Inc.
106 Irving Street, N.W., #216
Washington, DC 20010

HEALTH CARE PROVIDERS

HCA No.: 92-512

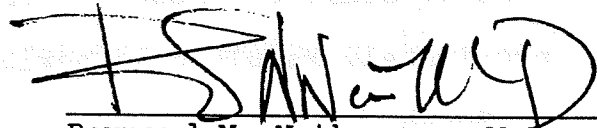
HEALTH CLAIMS
ARBITRATION OFFICE

CLAIMANT'S CERTIFICATION OF QUALIFIED EXPERT

I have reviewed the medical records of Kathy A. Smith in connection with her care and treatment at Cygma Health Center in January, 1992. Based on my review, it is my opinion that the care provided by the health care providers in this matter did not meet the applicable standard of care required under the same or similar circumstances, and that the negligent care

proximately resulted in serious injuries to the claimant, Kathy
A. Smith.

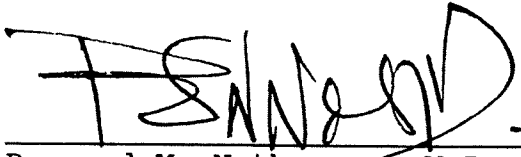
I further state that I am a board certified
obstetrician/gynecologist, and I do not devote annually more
than 20% of my professional time to activities that directly
involve testimony in personal injury claims.



Bernard M. Nathanson, M.D.

REPORT OF BERNARD M. NATHANSON, M.D.

I have reviewed the medical records of Kathy A. Smith in connection with her care and treatment at Cygma Health Center in January, 1992. Based on my review, it is my opinion that the care provided by the health care providers in this matter did not meet the applicable standard of care required under the same or similar circumstances, and that the negligent care proximately resulted in serious injuries to the claimant, Kathy A. Smith.



Bernard M. Nathanson, M.D.

HEALTH CLAIMS ARBITRATION OFFICE
STATE OF MARYLAND

JUL 25 1994

KATHY A. SMITH

Claimant

v.

V. SUBA VINAYAKOM, M.D., et al.

Health Care Providers

HCA No.: 92-512

HEALTH CLAIMS
ARBITRATION OFFICE

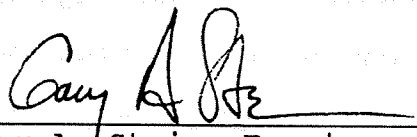
LINE OF DISMISSAL

The claimant hereby dismisses her claim against one of the named health care providers, Dorothy Gaither, M.D.

Respectfully submitted,


MARGOLIUS, MALLIOS, DAVIS
RIDER & TOMAR

By:


Gary A. Stein, Esquire
1828 L Street, NW, Suite 500
Washington, D.C. 20036
(202) 296-1000
Counsel for Claimant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was mailed first class, postage prepaid, this 22 day of July, 1994, to Robert Farley, Esquire, Shelley Bagoly, Esquire, 10440 Little Patuxent Parkway, Suite 1150, Columbia, MD 21044; Lee Ellis, Jr., Esquire, Adam Derman, Esquire, 1050 Connecticut Avenue, N.W., Suite 1100, Washington, DC 20036; Leslie Scherr, Esquire, Susan Biro, Esquire, 1225 Eye Street, N.W, Suite 900, Washington, DC 20005; and Judith Catterton, Esquire, Panel Chairperson, Suite 315, 200 A Monroe Street, Rockville, MD 20850.


Gary A. Stein, Esquire

RECEIVED

IN THE HEALTH CLAIMS ARBITRATION OFFICE OF ~~APR 21~~ APR 24 1995

HEALTH CLAIMS
ARBITRATION OFFICE

KATHY A. SMITH :

Claimant :

vs. :

HCA No. 92-512

CYGMA HEALTH CENTER, INC. :

and :

DR. SUBA V. VINAYAKOM :

Health Care Providers :

ORDER OF TRANSFER

All parties having joined in a Waiver of Arbitration under the provisions of the Annotated Code of Maryland, Courts and Judicial Proceedings Article, Section 3-2A-06A, it is this 21st day of April, 1995, by the Health Claims Arbitration Office, ORDERED, that this case shall be, and it is hereby, transferred to the Circuit Court for Montgomery County, Maryland; and

IT IS FURTHER ORDERED, that the responsibility for Costs of Arbitration in the amount of *One Hundred Sixty Seven Dollars & Ninety five Cents (167.95) DJT* shall follow the other court costs of the case unless directed otherwise by said Circuit Court.

Law Offices
CATTERTON & KEMP
Suite 315
200 A Monroe Street
Rockville, Md. 20850
Telephone
(301) 294-0460

Judith R. Catterton
JUDITH R. CATTERTON, PANEL CHAIR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of April, 1995, copies of the above Order of Transfer were mailed, postage prepaid, to all counsel listed below, the Executive Director of Health Claims Arbitration of Maryland, and to the Clerk of the Circuit Court for Montgomery County, Maryland, 50 Courthouse Square, Rockville, MD 20850.


JUDITH R. CATTERTON, PANEL CHAIR

cc: Gary A. Stein, Esquire
Margolius, Mallios, Davis, Rider
& Tomar
1828 L Street, N.W.,
Suite 500
Washington, D.C. 20036
Attorney for Claimant

Leslie Scherr, Esquire
Scherr and Hogan
815 Connecticut Avenue, N.W.
Suite 500
Washington, D.C. 20006-4004
Attorney for Cygma Health Center, Inc.

Robert J. Farley, Esquire
10320 Little Patuxent Parkway
Suite 1200
Columbia, MD 21044
Attorney for Dr. Suba V. Vinayakom

Mr. Harry L. Chase, Director
Health Claims Arbitration Office
William Donald Schaefer Tower
6 St. Paul Street, Suite 1501
Baltimore, Maryland 21202-1608

[Smith-HCA.Or2]

